

Washington, Tuesday, September 13, 1955

#### TITLE 5—ADMINISTRATIVE **PERSONNEL**

#### Chapter I-Civil Service Commission

PART 3-NONCOMPETITIVE ACQUISITION OF COMPETITIVE STATUS

EMPLOYEES WHO HAVE BEEN REACHED ON A REGISTER

Section 3.105 is amended to read as follows:

§ 3.105 Employees who have been reached on a register. Any employee who was serving when his name was within reach, for career or career-conditional appointment, on a register appropriate for the position in which he was serving may acquire a competitive status, subject to the following requirements:

(a) The register was being used for appointments conferring competitive

status when he was reached;
(b) He has been continuously employed since he was reached;

(c) He is recommended for a competitive status, by the agency in which he was employed when he was reached, prior to expiration of the register on which his name appears or during a period of continuous service since he was reached;

(d) If he is a nonveteran who was first reached on or after February 2, 1955, the agency furnishes' reasons satisfactory to the Commission for passing over any veterans who preceded him on the register at the time he was reached and who are still within reach and available for appointment; and

(e) He successfully completes a oneyear probationary period.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

United States Civil Serv-ICE COMMISSION,

[SEAL] WM. C. HULL,

Executive Assistant.

[F. R. Doc. 55-7352; Filed, Sept. 12, 1955; 8:50 a. m.]

#### TITLE 6-AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B-Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Dry Edible Beans]

> PART 421-GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP DRY EDIBLE DEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1955 crop of dry edible beans. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017 and 4563) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1955 is supplemented as follows:

421.1176 Purpose.

421.1187 Settlement.

421.1177 421.1178

421.1179

Eligible beans. Warehouse receipts. Determination of quantity. 421.1180 421.1181 Determination of quality. 421.1182 Credit for loss or damage. Maturity of loans.
Packaging and warehouse charges.
Support rates. 421.1183 421.1184 421.1185 421.1186 Storage in transit.

Availability of price support. -

AUTHORITY: \$\$ 421.1176-to 421,1187 icsued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421.

§ 421.1176 Purpose. Sections 421.1176 to 421.1187 state additional specific regulations which, together with the general regulations contained in the 1955 C. C. C. Grain Price Support Bulletin 1 (§§ 421.-1001 to 421.1021, 20 F. R. 3017 and 4563) apply to loans and purchase agreements under the 1955-Crop Dry Edible Bean Price Support Program, except for price

(Continued on p. 6691)

#### CONTENTS

Agricultural Marketing Service	Page
Proposed rule making: Grain standards; inspector not	
to be interested in grain;	
qualifications of sampler	6713
Milk, handling of:	
Oklahoma City, Okla., mar-	6714
keting area Tulsa-Muskogee, Okla., mar-	O11±
keting area	6715
Rules and regulations:	
Avocados grown in South Flor-	6899
ida; maturity regulation	6899
Lemons grown in California	
and Arizona; limitation of	6698°
shipments	0030
Agriculture Department	
See Agricultural Marketing Serv-	
ice: Commodity Credit Corpo-	
ration; Commodity Stabiliza-	
tion Service.  Civil Aeronautics Administra-	
tion	
Rules and regulations: Camp Hale, Colo., restricted	
areas; alteration	6698
-	0000
Civil Aeronautics, Board	
Proposed rule making: Administrator; delegation of	
duthority relative to high	
authority relative to high density air traffic zone in Washington, D. C., area	
Washington D. C. area	6717
Rules and regulations:	•
Air traffic rules	6694
Civil Service Commission	
Rules and regulations:	
Noncompetitive acquisition of	
competitive status; employees	
who have been reached on	
register	6639
Commerce Department	
See Civil Aeronautics Admin-	
istration.	
Commodity Credit Corporation	
Rules and regulations:	
Room dry adible 1955 aron	
Bean, dry edible, 1955 crop loan and purchase agreement	
program	6689

6689



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#### **CFR SUPPLEMENTS** (For use during 1955)

The following Supplements are now available:

Title 32: Parts 400-699 (\$5.75) Parts 800-1099 (\$5.00) Part 1100 to end (\$4.50) Title-43 (Revised, 1954) (\$6.00)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4–5 (\$0.70); Title 6 (\$2.00); Title 7 Parts 1–209 (\$0.60); Parts 210–899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 11the 20 (\$0.75); fittle 21 (\$1.75); fittle 25 (\$0.75); fittle 25 (\$0.50); Tittle 26 (1954) (\$2.50); Tittle 26; Parts 1-79 (\$0.35); Parts 30-169 (\$0.50); Parts 170-182 (\$0.50); Parts 183-299 (\$0.30); Part 300 to end and Tittle 27 (\$1.25); Tittles 28-29 (\$1.25); Tittles 30-31 (\$1.25); Tittle 32: Parts 1-399 (\$4.50); Parts 700-799 (\$3.75); Title 32A, Revised December 31, 1954 (\$1.50); Title 33 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.40); Part 146 to end (\$1.25); Titles 47—48 (\$1.25); Title 49: Parts 1—70 (\$0.60); -Parts 71—90 (\$0.75); Parts 91—164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

#### CONTENITS Continued

CONTENTS—Continued		CONTENTS—Continued	
Commodity Stabilization Service Notices:	Page	Land Management Bureau Notices:	Pago
Peanuts; redelegation of final authority	6718	Alaska, transfer of jurisdiction of interestRules and regulations:	6718
Customs Bureau Proposed rule making: Customhouse brokers Rules and regulations: Vessels in foreign and domestic	6707	Alaska, establishment of graz- ing districts and issuance of grazing leases	6703
trades; transportation in bond and merchandise in transit	6702	censes Mineral lands; coal permits and leases and licenses for free use of coal North Dakota, public land	6706 6706
mission		order	6707
Notices: Hearings, etc		Sodium permits and leases; use permits	6707
Broadcast stations renewal applications; composite week for program log analysis	6720	National Park Service Notices: Superintendents and Regional	
Cerritos Broadcasting Co., et al Greenwich Broadcasting Corp	6719 6719	Administrative Officers, Region 5; delegations of authority  Securities and Exchange Com-	6718
Kossuth County Broadcast- ing Co., Inc Pacific Telephone and Tele-	6719	mission Rules and regulations: Forms prescribed under Secu-	
graph CoUmatilla Broadcasting Enterprises and Othello Broadcasting Co	6719 6719	rities Exchange Act of 1934, adoption of new forms	6702
Federal Power Commission Notices:		1934; unlisted frading privi- leges	6701
Hearings, etc Cabot Carbon Co Hardbarger Oil & Gas Co Ohio Fuel Gas Co. (2 documents)	6722 6721 , 6721 6722 6722	State Department Rules and regulations: Regulations under Immigration and Nationality Act; types and validity of diplomatic visas; revalidation of nonim- migrant visa	6703
Rules and regulations:  Aaron Wool Corp., et al., cease and desist order  Food and Drug Administration	6700	Treasury Department See also Customs Bureau; Internal Revenue Service. Proposed rule making:	
Rules and regulations: Pesticide chemicals; extended dates on which statute shall	6703	Customhouse brokers; super- sedure of Bureau of Customs regulations	6713
Health, Education, and Welfare		CODIFICATION GUIDE	<b>~</b>
Department See Food and Drug Administration. Interior Department		A numerical list of the parts of the of Federal Regulations affected by doou published in this issue. Proposed rul opposed to final actions, are identification.	monts los, as
See Land Management Bureau;	1	Title 3	Pago
National Park Service.  Internal Revenue Service  Proposed rule making:		Chapter II (Executive orders) 8160 (revoked by PLO 1211)	6707
Income tax; taxable years beginning after Dec. 31, 1953; partnerships	6713	Title 5 Chapter I: Part 3	6689
ginning after Dec. 31, 1954;- figure to be used in determin- ing reserve and other policy liability deduction for life in-		Chapter IV Part 421 Title 7 Chapter I.	6689
surance companies Interstate Commerce Commis-	6703	Part 26 (proposed)Chapter IX.	6713
sion Notices: Fourth 'section applications' for relief	6723	Part 905 (proposed) Part 906 (proposed) Part 953 Part 969	6714 6715 6698 6699

#### CODIFICATION GUIDE-Con.

CODMICATION COIDE	
Title 14	Page
Chapter I.	6694
Part 60	6717
	0111
Chapter II.	6698
	9699
Title 16	
Chapter I.	
Part 13	6700
Title 17	
Chapter II.	
Part 240	6701
Part 249	6702
Title 19	
Chapter I.	
Part 4	6702
Part 4	6702
Part 18Part 31 (proposed)	6707
	0.10.1
Title 21	
Chapter I.	
Part 3	6703
Title 22	
Chapter I.	
Part 40	6703
Part 41	6703
Title 26 (1954)	
=	
Chapter I.	6703
Proposed rules	6713
• • • • • • • • • • • • • • • • • • • •	0113
Title 31	
Chapter I.	
Part 11 (proposed)	6713
Title 43	
Chapter I.	
Part 63	6703
Part 70	6706
Part 193	6706
Part 195	6707
Appendix (Public land orders)	
1211	6707

support operations on beans produced in the State of New York. A separate subpart will be issued containing a special purchase agreement program applicable to beans produced in the State of New York only.

- § 421.1177 Availability of price support—(a) Method of support. Price support will be available through farmstorage and warehouse-storage loans and through purchase agreements. Farm-storage loans will not be available to cooperative marketing associations of producers.
- (b) Area. Farm-storage and ware-house-storage loans and purchase agreements will be available wherever beans of the eligible classes are grown in all States of the continental United States covered by this subpart, except that farm-storage loans will not be available in areas where the State committee determines the beans cannot be safely stored on the farm.
- (c) Where to apply. Application for price support must be made at the office of the county committee which keeps the farm-program records for the farm. An eligible cooperative marketing association of producers must make application at the county committee office for the county in which the principal office of the association is located.

- (d) When to apply. Loans and purchase agreements will be available from the time of harvest through January 31, 1956, and the applicable documents must be signed by the producer-and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.
- (e) Eligible producer (1) An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing eligible beans in 1955 as landcwner, landlord, tenant, or sharecropper.
- (2) A cooperative marketing association of producers shall be deemed to be an eligible producer for warehouse-storage loans and purchase agreements on any class of eligible beans produced by eligible producer-members, provided, (i) all beans of such class marketed or acquired by the association are produced by producer-members; (ii) the producermembers are bound by contract to market their beans of such class through the association and the association does not release any such beans for the purpose of permitting producer-members to obtain individual price support loans or purchase agreements; (iii) the proceeds of the eligible beans marketed by the association are shared proportionately among the eligible producer-members according to the class, quality and quantity of such beans each delivers to the association; (iv) the association has authority to obtain a loan on the security of the beans and to give a lien thereon as well as authority to sell such beans.
- (3) All determinations with respect to cooperative marketing associations of producers pursuant to this section shall be made by or under the direction of the State committee.
- § 421.1178 Eligible beans. At the time the beans are placed under loan or delivered under a purchase agreement, they must meet the following requirements:
- (a) The beans must have been produced in the continental United States, excluding New York, in 1955 by an eligible producer.
- (b) (1) The beneficial interest in the beans must be in the producer tendering the beans for loan or for delivery under a purchase agreement and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the heneficial interest in the beans must have been in the producers who delivered the beans to the association and must always have been in them or in them and former producers whom they succeeded before the beans were harvested.
- (2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the

- farming unit on which the beans were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.
- (c) The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Red Kidney, Large Lima and Baby Lima.
- (d) (1) Brans placed under warehouse-storage loan must grade U. S. Choice Handpicked, U. S. Extra No. 1, U. S. No. 1, or U. S. No. 2.
- (2) Beans placed under farm-storage loan must meet the requirements set forth in subparagraph (1) of this paragraph for warehouse-storage loans, or must be beans (hereinafter referred to as 'thresher run' beans) which have not been commercially cleaned; which contain not in excess of 18 percent moisture; which, after deduction of foreign material, contain not more than 8 percent of other defects, as these terms are defined in the United States Standards for Beans; which are not musty, moldy, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality and which do not have any commercially objectionable odor.
- (e) Beans delivered under a purchase agreement must grade U. S. Choice Handpicked, U. S. Extra No. 1, U. S. No. 1, or U. S. No. 2.
- (f) If offered as security for a farmstorage loan, beans must have been stored in the storage structure for at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.
- § 421.1179 Warehouse receipts. Warehouse receipts, representing beans in approved warehouse-storage to be placed under loan or to be delivered under a purchase agreement, must meet the following requirements:
- (a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association, must be properly endorsed in blank so as tovest title in the holder, and must be receipts issued by a warehouse approved by CCC under CCC Form 28, "Bean Storage Agreement." The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.
- (b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the beans are insured in accordance with CCC Form 28, "Bean Storage Agreement," and if such insurance was not effective as of the date of deposit of the beans in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the beans are in the warehouse and undamaged. The insurance on commingled beans must be obtained by the warehouseman. Insurance on beans with respect to which the warehouseman does not guarantee quantity and quality (hereinafter called iden-

tity-preserved beans) must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross and net weight of beans, the class and the grade or all grading factors used in the determination of the quality of the

beans.

(d) In the case of "identity-pre-served" beans, the warehouse receipt shall show the lot number and number of bags in the lot, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e). The warehouse receipt may be subject to liens for warehouse charges only to the extent of the charges indi-

cated in § 421.1184 (b)

§ 421.1180 Determination of quantity—(a) When loans are made—(1) Farm-storage or "identity-preserved" warehouse-stored beans. (i) At the time the loan is made, the quantity of beans may be determined either by weight or, if stored in bulk, by measurement. Where the quantity is determined by measurement, 2.1 cubic feet

shall constitute 100 pounds.

(ii) In the case of bagged beans grading U.S. No. 2 or better, loans shall be made on the net weight of the lot or on a quantity determined by multiplying the number of bags by 100 pounds, whichever is the smaller. In the case of other eligible beans, loans shall be made on the basis of the net weight of sound beans in the lot. Sound beans shall be beans free of dockage and other defects as defined in the United States Standards for Beans.

(iii) If the beans are stored in sacks. a deduction of 34 pound per sack shall be made from the gross weight of sacked beans, except where the net weight is shown on the warehouse receipt.

(2) 'Commingled warehouse-storage beans. The quantity on which a loan shall be made shall be the net weight of beans shown on the warehouse receipt

or supplemental certificate.

(b) At time of delivery or acquisition-(1) Delivery from other than an approved warehouse or delivery or acquisition as identity-preserved in an approved warehouse. The net weight of beans delivered to CCC from other than an approved warehouse, or delivered to or acquired by CCC in an approved warehouse as "identity-preserved" beans shall be determined by weighing the beans. If all the beans in the lot are not weighed, the net weight shall be determined by multiplying the average net weight of the bags weighed (but not less than 10 percent of the bags in the lot) by the total number of bags in the lot. The pro-

ducer will be credited with the net weight delivered or with a quantity determined by multiplying the number of bags in the lot by 100 pounds, whichever quantity is less.

(2) Delivery or acquisition in an approved warehouse of beans covered by a commingled warehouse receipt. The net weight of beans delivered to or acquired by CCC in an approved warehouse where the warehouseman guarantees the quality and quantity shall be the net weight of beans specified on the warehouse receipt or supplemental certificate.

§ 421.1181 Determination of quality. (a) The class, grade, and all quality factors shall be determined in accordance with the United States Standards for Beans. An inspection certificate, issued by a licensed inspector, is required on all farm-storage loans.

(b) Where quality is guaranteed by the warehouseman, the class and grade acquired or delivered under a warehousestorage loan or purchase agreement shall be that shown on the warehouse receipt. In all other cases, the class and grade shall be determined from a Federal or Federal-State inspection certificate, issued by or under the supervision of the Grain Division, Agricultural Marketing Service, U. S. Department of Agriculture.

§ 421.1182 Credit for loss or damage. The amount to be credited to the producer for loss or damage assumed by CCC, in accordance with § 421.1015 of 1955 C. C. C. Grain Price Support Bulletin 1, shall be determined by multiplying the number of hundredweight of sound beans, lost or destroyed, by the support rate for U.S. No. 2 beans of the class lost or destroyed, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U.S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or destroyed by the support rate for the class and grade of such beans.

§ 421.1183 Maturity of loans. Loans mature on demand but not later than February 29, 1956, in the States of Michigan and Pennsylvania, and not later than April 30, 1956, in all other States.

§ 421.1184 Packaging and warehouse charges—(a) Packaging. Unless otherwise approved by CCC, beans placed under a warehouse storage loan must be packed 100 pounds net in new bags made of 36-inch, 10.4 ounce "A" or "B" quality common jute or heavier weight jute, or provision must have been made for such packaging, by the producer. Bag seams must be sufficiently strong to develop the full strength of the cloth. Bags must be marked to show the commodity name and class; the net weight when packed: and the name and address of the packer. Beans delivered under a farm-storage loan or purchase agreement must also meet the packaging requirements set forth above.

(b) Warehouse charges. Storage. bagging, cleaning, inspection fees and all other charges, except receiving and loading out charges in the warehouse in which the beans are acquired by CCC.

accruing through February 29, 1956, in the case of beans in the States of Michigan and Pennsylvania, and through April 30, 1956, in the case of beans in all other States, shall be paid by the producer prior to the time that the beans are placed under warehouse-storage loan or delivered under a purchase agreement, or shall be paid from the loan or purchase proceeds. Such charges include the cost of movement to a normal railroad shipping point if the warehouse is not located on a railroad, and any unpiling, turning, repiling or other charges, except loading out charges, incident to official weight and grade determinations on identity-preserved beans. CCC will assume warehouse storage charges (not in excess of those approved for the 1955 crop under CCC Form 28, "Bean Storage Agreement") accruing after April 30, 1956 (February 29, 1956, for beans in Michigan and Pennsylvania), which are delivered to or acquired by CCC.

§ 421.1185 Support rates. (a) The loan rate for eligible beans shall be the applicable support rate shown in paragraph (b) of this section, for the class, grade, and county where produced; however, if the beans have been moved by truck to approved storage in a higher loan rate county, or if the warehouseman guarantees delivery by truck to approved storage or on track in a higher support rate county, the loan rate shall be the support rate for the county in which the beans are stored or to which delivery is guaranteed.

(b) The support rates per 100 pounds net weight established for dry edible

beans are as follows:

CLASS AND AREA (Rate per 100 lbs., U. S. No. 1)1 Area I: All counties in New Mexico except McKinley, Rio Arriba, Saii
Juan, Taos, and Valoncia
Area II. All counties in Kansas,
Nebraska, Oklahoma, and Toxas. In Colorado, the countles of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Greek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Glipin, Huerfane, Jeiferson, Kiowa, Kit Carson, Larimer, Los Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In Wyoming, counties of Goshen, Laramie, and Platte\_\_\_\_\_\_Area III: Counties of McKinley and Valencia in New Mexico\_\_\_\_\_ 6,08 5, 98 Area IV. All countles in Arizona, California, South Dakota and Utah. In Colorado, all counties not in Area II. In Wyoming, all counties except Goshon, Laramio, and Platte. In New Mexico, counties of Rio Arriba, and San Juan, and Taos. 5.88 Area V. All other States and coun-Great Northern: Area I. Minnesota, Nebraska, North Dakota. In Colorado, all counties east of 106 degrees longitude. In Wyoming, counties of Goshen, Laramie, and Platto\_\_\_\_\_ 6,83

South Dakota, and all counties in Wyoming, except Go-shen, Laramie, and Platte

1 See footnote at end of table.

#### CLASS AND AREA-Continued

(Rate per 10	O Ibs.,
Great Northern—Con. U.S. No.	1)1
Area III. All counties in Montana,	•
Malheur County in Oregon, and	
counties of Ada, Bannock, Bear	
Lake, Bingham, Boise, Canyon,	
Caribou, Cassis, Elmore, Franklin,	
Gem, Gooding, Jerome, Lincoln,	
Minidoka, Oneida, Owyhee, Pay-	
ette, Power, Twin Falls in Idaho	\$6.43
Area IV. All other States and coun-	
ties:	6.33
Pea and Medium White:	
Area I: Michigan, Minnesota, Maine,	
and Wisconsin	7.18
Area II: Other	6.68
Small White and Flat Small White	6.76
Red Kidney	8.01
Pink	6.81
Small Red	6.91
Large Lima	9.76
Baby Lima	5.01
<sup>1</sup> Premium for U. S. C. H. P. and U. S.	Extra

No. 1, 10 cents except that premium on pea beans is 25 cents. Discount for U. S. No. 2, 25 cents. Loan rate for thresher-run beans-U. S. No. 1 less \$2, except in Michigan where the loan rate shall be U. S. No. 1 less \$3. Quantity on thresher-run beans is the net weight of sound whole beans.

§ 421.1186 Storage in transit. (a) Reimbursement will be made by CCC to producers or warehousemen for paid-in rail freight (including freight tax) on beans stored in approved warehouses, subject to the following conditions:

-(1) The movement from point of origin to storage point must be an "inline" movement as determined by CCC. and must be no greater than 100 miles from the point of production unless otherwise approved by CCC prior to the date of shipment.

(2) The freight must have been paid in by the person claiming reimbursement and he must not have been other-

wise reimbursed.

(3) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in CCC Form 28, "Bean Storage Agreement" in effect with CCC for the 1955 crop.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of Form CCC 28, "Bean Storage Agreement.

(5) Not more than one transit stop must have been used on the billing.

(6) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(b) Reimbursement for paid-in freight under this section will be made by the appropriate CSS Commodity Office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

§ 421.1187 Settlement. The settlement value of the beans delivered or acquired under a loan or delivered under purchase agreement shall be determined as set forth in this section.

(a) Applicable support rate. Settlement of loans and purchase agreements shall be made at the support rate for the county in which the beans are produced except as follows:

(1) In the case of farm-storage loans, settlement shall be made at the support rate for the county where the beans are delivered if the beans have been delivered to such county by truck and such county has a higher support rate than the county where the beans were produced.

(2) In the case of warehouse-storage loans, both identity-preserved and guaranteed, (i) if the warehouse is located off the railroad, settlement will be made with the producer at the support rate for the county to which the warehouseman guarantees delivery for loading if such support rate is higher than the support rate for the county where the beans were produced, and (ii) if the beans are acquired in storage in an approved warehouse in a county having a higher support rate than the county where the beans were produced and movement to such warehouse was made by truck, settlement will be made at the support rate for the county in which acquisition is made by CCC.

(3) In the case of beans delivered under purchase agreement from other than approved warehouse storage, the provisions of subparagraph (1) of this paragraph shall be applicable. In the case of beans delivered under purchase agreement in an approved warehouse, the provisions of subparagraph (2) of this paragraph shall be applicable.

(b) Applicable support rate for class and grade—(1) Commingled warehouse-storage loans. Settlement will be made with the producer at the applicable county support rate for the class and grade of beans shown on the warehouse receipt and accompanying documents for the quantity shown thereon.

(2) Farm-storage and identity-pre-

served warehouse-storage loans. (i) In the case of eligible beans delivered to CCC from farm storage or acquired by CCC in identity-preserved warehouse storage under the loan program, settlement will be made at the applicable county support rate for the class and grade of the total quantity of beans delivered. The producer shall, at his expense, furnish to the county committee official inspection and weight certificates dated subsequent to February 15, 1956, for beans in Michigan and Pennsylvania, and subsequent to April 15, 1956, for beans in all other States. On farm-storage loans such certificates shall be furnished at the time of delivery of the beans. On identity-preserved warehouse-storage loans such certificates shall be furnished within 10 days after the applicable maturity date. In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or expenses incurred in connection with settlement on loans shall be for the account of the producer. However, notwithstanding the foregoing provisions of this subdivision, if at the time of delivery to or acquisition by CCC, a commingled warehouse receipt covering the beans delivered or acquired, agreed to by the producer and warehouseman, is issued by an approved warehouse, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable county support rate for the class and grade of the beans shown on the commingled warehouse receipt and accompanying documents for the quantity shown thereon.

(ii) In the case of beans (delivered under a farm-storage loan or acquired by CCC under an identity-preserved warehouse-storage loan) which are of a grade for which no support rate has been established, the settlement value shall be the settlement rate established for the class and grade placed under loan, less the difference, if any, at the time the inspection and weight certificates, or the commingled receipt, are delivered to the county committee, between the market price for the class and grade placed under loan and the market price of the beans delivered or acquired as determined by CCC: Provided, however That in the case of thresher-run beans which, when delivered are not of a grade for which a support rate has been established, the settlement value shall be the support rate for beans of the same class grading U.S. No. 2, less the difference, if any, at the time of delivery, between the market price for such grade and the market price of the beans delivered, as determined by CCC: Provided, further That if any such beans are sold by CCC in order to determine the market price for purposes of settlement, the settlement value shall not be less than such sales price.

(3) Purchase agreements. Eligible beans delivered to CCC under a purchase agreement will be purchased at the applicable support rate for the class and grade of beans delivered and the producer shall, at his expense, furnish to the county committee at the time of delivery official inspection and weight certificates dated subsequent to February 15, 1956, for beans in Michigan and Pennsylvania, and subsequent to April 15, 1956, for beans in all other States: Provided, however That if at the time of delivery to CCC, a commingled warehouse receipt covering the beans delivered, agreed to by the producer and warehouseman, is issued by an approved warehouse, inspection and weight certificates not be required and settlement with the producer will be made at the applicable county support rate for the class and grade of the beans shown on the commingled warehouse receipt and accompanying documents for the quantity shown thereon.

(c) Determination of quantity for settlement purposes. The quantity of beans on which settlement will be made shall be determined in accordance with § 421.1180 (b)

Issued this 8th day of September 1955.

[SEAL] PRESTON RICHARDS, Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-7379; Filed, Sept. 12, 1955; 8:54 a. m.]

#### TITLE 14—CIVIL AVIATION

#### Chapter I-Civil Aeronautics Board

Subchapter A-Civil Air Regulations PART 60-AIR TRAFFIC RULES

REVISION OF PART

Because of the number of outstanding amendments to Part 60, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on September 10, 1955.

Attention is called to the fact that all definitions in § 60.60 have been arranged alphabetically, without section numbers. Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) as attached hereto, effective on September 10, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, Secretary.

GENERAL

Sec. 60.1 Scope. Operation over the high seas. 60.1a Authority of the pilot. 60.2 GENERAL FLIGHT RULES (GFR)

60.10 Application.

60.11 Preflight action. Careless or reckless operation. 60.12 Avoidance of prohibited and restricted 60.13

60.13a Authority for designation of re-stricted areas by the Administrator.

60.14 Right-of-way. Proximity of aircraft.

Acrobatic flight.
Minimum safe altitudes. 60.16

60.17

60.18 Operation on and in the vicinity of an airport.

60,19 Air traffic control instructions. Notification of arrival. 60.20

60.21 Adherence to air traffic clearances.

Water operations. 60.22

Aircraft lights. 60.23

VISUAL FLIGHT RULES (VFR)

60.30 Ceiling and distance from clouds. 60.31 Visibility.

Cruising altitudes. 60.32

60.33 VFR flight plan.

NSTRUMENT FLIGHT RULES (IFR)

60.40 Application. 60.41 IFR flight plan. 60.42 Alternate airport.

60.43 Air traffic clearance. Cruising altitudes. 60.44

60.45 Course to be flown on civil airways. 60.46 Instrument approach procedure.

60.47 Radio communications.

Radio failure. 60.49

#### DEFINITIONS

#### 60.60 Definitions.

AUTHORITY: §§ 60.1 to 60.60 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

Note: The statements contained in the notes in this part are intended as explanation only and shall not be construed as official interpretations of the regulations.

#### GENERAL

§ 60.1 Scope. The air traffic rules in this part shall apply to aircraft operated anywhere in the United States, including the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof, except:

(a) Military aircraft of the United States armed forces when appropriate military authority determines that noncompliance with this part is required and prior notice thereof is given to the

Administrator, and

(b) Aircraft engaged in special flight operations, requiring deviation from this part, which are conducted in accordance with the terms and conditions of a certificate of waiver issued by the Adminis-

Note: Specific operations which cannot be conducted within the provisions of the regulations in this part, such as air races, air meets, acrobatic flights, or certain pest control or seeding operations require, prior to commencement of the operation, a certificate of waiver which may be obtained from the nearest office of CAA.

§ 60.1a Operation over the high seas. Aircraft of United States registry operated in air commerce shall while over the high seas comply with the provisions of Annex 2 (Rules of the Air) to the Convention on International Civil Aviation.

Note: An airman who complies fully with Part 60 while over the high seas will also be in compliance with Annex 2. Under Article 12 of the Convention on International Civil Aviation, the member states undertake to make their regulations conform to the greatest possible extent to the ICAO Annexes. It may therefore be expected that the provisions of Annex 2 will be generally applicable to flight over the territory of member states of the International Civil Aviation Organization.

§ 60.2 Authority of the pilot. The pilot in command of the aircraft shall be directly responsible for its operation and shall have final authority as to operation of the aircraft. In emergency situations which require immediate decision and action the pilot may deviate from the rules prescribed in this part to the extent required by consideration of safety. When such emergency authority is exercised, the pilot, upon request of the Administrator, shall file a written report of such deviation. In an emergency situation which results in no deviation from the rules prescribed in this part but which requires air traffic control to give priority to an aircraft, the pilot of such aircraft shall make a report within 48 hours of such emergency situation to the nearest regional office of the Administrator.

#### GENERAL FLIGHT RULES (GFR)

§ 60.10 Application. Aircraft shall be operated at all times in compliance with the following general flight rules and also in compliance with either the visual flight rules or the instrument flight rules, whichever are applicable.

§ 60.11 Preflight action. Before beginning a flight, the pilot in command of the aircraft shall familiarize himself with all available information appropri-

ate to the intended operation. Preflight action for flights away from the vicinity of an airport, and for all IFR flights, shall include a careful study of available current weather reports and forecasts, taking into consideration fuel requirements, an alternate course of action if the flight cannot be completed as planned, and also any known traffic delays of which he has been advised by air traffic control.

§ 60.12 Careless or reckless operation. No person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others.

Note: Examples of aircraft operations which may endanger the lives or property of others are:

(a) Any person who "buzzes", dives on, or files in close proximity to a farm, home, any structure, vehicle, vessel, or group of persons on the ground. In rural districts the flight of aircraft at low altitude often causes injury to livestock. A pilot who engages in care-less or reckless flying and who does not own the aircraft which he is flying unduly ondangers the aircraft, the property of another.

(b) The operation of aircraft at an insufficient altitude endangers persons or property on the surface or passengers within the aircraft. Such a flight may also constitute

a violation of § 60.17.

(c) Lack of vigilance by the pilot to observe and avoid other air traffic. In this respect, the pilot must clear his position prior to starting any maneuver, either on the ground or in flight.

(d) Passing other aircraft too closely.

(e) An operation conducted above a cloud layer in accordance with VFR minimums which results in the pilot becoming involved in instrument flight, unless the pilot pos-sesses a valid instrument rating, the aircraft is properly equipped for instrument flight, and all IFR requirements are observed.

§ 60.13 Avoidance of prohibited and restricted areas—(a) Prohibited area. No person shall operate an aircraft within a prohibited area unless prior permission has been obtained from appropriate authority.

(b) Restricted area. No person shall operate an aircraft within a restricted area contrary to the restrictions imposed unless prior permission has been obtained from appropriate authority.

Note: Prohibited and restricted areas are established in order to conduct certain essential activities either on the ground or within the airspace area. Avoidance of prohibited areas and operation within restricted areas strictly in accordance with the published restrictions are imperative to the safety of flight or the protection of the activity on the ground. Any person desiring to secure permission to fly in such areas contrary to the prohibition or the restrictions imposed, should contact the agency controlling/that area. Prohibited and restricted areas, indicating the prohibitions or restrictions to flight and the name of the using agency, are shown on aeronautical charts or in publications of aids to air navigation.

§ 60.13a Authority for designation of restricted areas by the Administrator The Administrator is authorized to designate restricted areas when he fluds that a hazard to aircraft in flight exists. (Areas previously designated as danger areas will hereafter be designated as restricted areas.)

§ 60.14 Right-of-way. An aircraft which is obliged by the following rules

to keep out of the way of another shall avoid passing over or under the other, or crossing ahead of it, unless passing well

Note: Right-of-way rules do not apply when, for reasons beyond the pilot's control, aircraft cannot be seen due to restrictions of visibility. The aircraft which has the right-of-way will normally maintain its course and speed, but nothing in this part relieves the pilot from the responsibility for taking such action as will best aid to avert

(a) Distress. An aircraft in distress has the right-of-way over all other air traffic;

(b) Converging. Aircraft converging shall give way to other aircraft of a different category in the following order: airplanes and rotorcraft shall give way to airships, gliders, and balloons; airships shall give way to gliders and balloons; gliders shall give way to balloons. When two or more aircraft of the same category are converging at approximately the same altitude, each aircraft shall give way to the other which is on its right. In any event, mechanically driven aircraft shall give way to aircraft which are seen to be towing other aircraft:

Note: In effect, an aircraft will give way to another of a different class which is less maneuverable and is unable to take as effective action to avoid collision. For this reason aircraft towing others are given the right-of-way.

- (c) Approaching head-on. When two aircraft are approaching head-on, or approximately so, each shall alter its course to the right:
- (d) Overtaking. An aircraft that is being overtaken has the right-of-way, and the overtaking aircraft, whether climbing, descending, or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear:

Note: Passing an overtaken aircraft on the right is required because the pilot in sideby-side, dual-control aircraft is seated on the left and has a better view on that side. Further, in narrow traffic lanes, passing on the left of an overtaken aircraft would place the overtaking aircraft in the path of the oncoming traffic.

(e) Landing. Aircraft, while on final approach to land, or while landing, have the right-of-way over other aircraft in flight or operating on the surface. When two or more aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right-of-way, but it shall not take advantage of this rule to cut in in front of another which is on final approach toland, or to overtake that aircraft.

Note: Pilots must recognize that once committed to a landing in certain aircraft the pilot has little chance to avoid other aircraft which may interfere with that landing and, therefore, careful observance of this rule is important to the safety of all concerned.

§ 60.15 Proximity of aircraft. No person shall operate an aircraft in such proximity to other aircraft as to create a

collision hazard. No person shall operate an aircraft in formation flight when passengers are carried for hire. No aircraft shall be operated in formation flight except by prearrangement between the pilots in command of such aircraft.

§ 60.16 Acrobatic flight. No person shall engage in acrobatic flight:

(a) Over congested areas of cities, towns, settlements, or over an open-air assembly of persons, or

(b) Within any civil airway or control

zone, or
(c) When the flight visibility is less than 3 miles, or

(d) Below an altitude of 1,500 feet above the surface.

Note: Acrobatic maneuvers performed over a congested area or an open accembly of persons, or in areas where conciderable air traffic exists, creates an undue hazard to persons or property. Flight visibility of at least 3 miles is believed to be a prerequisite to acrobatic flight in order that the pilot, after scanning the entire vicinity, may be reaconably assured that no other aircraft is within dangerous proximity prior to performing such maneuvers.

§ 60.17 Minimum safe altitudes. Except when necessary for take-off or landing, no person shall operate an aircraft below the following altitudes:

(a) Anywhere. An altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface:

(b) Over congested areas. Over the congested areas of cities, towns or settlements, or over an open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet from the aircraft. Helicopters may be flown at less than the minimum prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with paragraph (a) of this section; however, the Administrator, in the interest of safety, may prescribe specific routes and altitudes for such operations, in which event helicopters shall conform thereto;

Note: The rule recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town or settlement, at less than 1,000 feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety and, further, to maintain an altitude along the flight path thus celected from which such an emergency landing can be effected at any time.

(c) Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In such event, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle, or structure. Helicopters may be flown at less than the minimums prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with paragraph (a) of this section;

Note: When light is necessary at an altitude of less than 500 feet above the surface, the pilot must avoid creating any hazard

to persons or property on the surface which may result from such flight. In no event should the pilot expose his passengers to unnecessary hazard while engaging in flight at low altitude. The maneuverability of the helicopter permits safe flight below the minimums required in § 60.17, provided good judgment and caution are exercised by the

(d) IFR operations. The minimum IFR altitude established by the Administrator for that portion of the route over which the operation is conducted. Such altitude shall be that which the safe conduct of flight permits or requires considering the character of the terram being traversed, the meteorological services and navigational facilities available, and other flight conditions. Where the Administrator has not established such a minimum, operations shall be conducted at not less than 1,000 feet above the highest obstacle within a horizontal distance of 5 miles from the center of the course intended to be flown.

Norz: When minimum altitudes are established by the Administrator for particular routes, such altitudes will be published in Parts 659 and 610 of this title, and also may be found in the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey, and in the Airman's Guide.

Note: Civil Air Regulations, Interpreta-tion 1, 19 F. R. 4692, July 27, 1954, provides in part as follows:

'The Board construes the words 'Except when necessary for take-off or landing, no person shall operate an aircraft below the following altitudes' where such words appear in § 60.17 of the Civil Air Regulations, as establishing a minimum altitude rule of specific applicability to aircraft taking off and landing. It is a rule based on the standard of necessity, and applies during every instant that the airplane climbs after take-off and throughout its approach to land. Since this provision does prescribe a series of minimum altitudes within the meaning of the act, it follows, through the application of section 3, that an aircraft pursuing a normal and necessary flight path in climb after take-off or in approaching to land is operating in the navigable airspace."

§ 60.18 Operation on and in the meinity of an airport. Aircraft shall be operated on and in the vicinity of an airport in accordance with the following rules:

(a) When approaching for landing, all turns shall be made to the left unless the airport displays standard visual markings approved by the Administrator and which indicate that all turns are to be made to the right, or unless otherwise authorized by air traffic control:

Nore: Where right-hand turns and clockwice flow of traffic are desirable in the interest of cafety, airport markings visible from the air will inform the transient pilot of the necessity for making turns to the right.

- (b) If air traffic control is in operation at the airport, contact shall be maintained with such control, either visually or by radio, to receive any air traffic control instructions which may be issued:
- (c) Aircraft operating from an airport shall conform to the traffic patterns prescribed for that airport:
- (d) The Administator may, necessary in the interest of safety, prescribe traffic patterns for an airport

which shall supersede any other traffic patterns previously prescribed;

(e) When light signals are used for the control of air traffic, they shall be of the color and have the meaning prescribed by the Administrator.

Nore: Light signals and their meanings are published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 60.19 Air traffic control instructions. No person shall operate an aircraft contrary to air traffic control instructions in areas where air traffic control is exercised.

§ 60.20 Notification of arrival. If a flight plan has been filed, the pilot in command of the aircraft, upon landing or completion of the flight, shall file an arrival or completion notice with the nearest Civil Aeronautics Administration communications station or control

§ 60.21 Adherence to air traffic clearances. When an air traffic clearance has been obtained under either the VFR or IFR rules, the pilot in command of the aircraft shall not deviate from the provisions thereof unless an amended clearance is obtained. In case emergency authority is used to deviate from the provision of an air traffic clearance, the pilot in command shall notify air traffic control as soon as possible and, if necessary, obtain an amended clearance. However, nothing in this section shall prevent a pilot, operating on an IFR traffic clearance, from notifying air traffic control that he is canceling his IFR flight plan and proceeding under VFR: Provided, That he is operating in VFR weather conditions when he takes such

§ 60.22 Water operations. An aircraft operated on the water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation. The following rules shall be observed with respect to other aircraft or vessels operated on the water:

(a) Crossing. The aircraft or vessel which has the other on its right shall give way so as to keep well clear;

(b) Approaching head-on. When aircraft, or an aircraft and vessel, approach head-on, or approximately so, each shall alter its course to the right to keep well clear:

(c) Overtaking. The aircraft or vessel which is being overtaken has the right-of-way, and the one overtaking shall alter its course to keep well clear;

(d) Special circumstances. When two aircraft, or an aircraft and vessel, approach so as to involve risk of collision, each shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

Note: The rules for operating aircraft on the surface of the water conform to marine rules for the operation of vessels., The "Special circumstances" rule is provided for situations wherein it may be impracticable or hazardous for a vessel or another aircraft to bear to the right because of depth of a waterway, wind conditions, or other circumstances.

set and sunrise:

(a) All aircraft in flight or operated on the ground or under way on the water shall display position lights;

(b) All aircraft parked or moved within or in dangerous proximity to that portion of any airport used for, or available to, night flight operations shall be clearly illuminated or lighted, unless the aircraft are parked or moved in an area marked with obstruction lights;

(c) All aircraft at anchor shall display anchor lights, unless in an area within which lights are not required for vessels at anchor! and

(d) Within the Territory of Alaska the lights required in paragraphs (a) (b) and (c) of this section shall be displayed during those hours specified and published by the Administrator.

Note: International visual distress and urgency signals are contained in the CAA Flight Information Manual for sale by the Superintendent of Documents. United States Government Printing Office, Washington 25,

#### VISUAL FLIGHT RULES (VFR)

§ 60.30 Ceiling and distance from clouds. Aircraft shall comply with the following requirements as to ceiling and distance from clouds:

(a) Within control zones. Unless authorized by air traffic control, aircraft shall not be flown:

(1) Less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation;

(2) Beneath the ceiling when it is less than 1,000 feet.

(b) Elsewhere. (1) when at an altitude of more than 700 feet above the surface, aircraft shall not be flown less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation;

(2) When at an altitude of 700 feet above the surface or less, aircraft shall not be flown unless clear of clouds.

§ 60.31 Visibility—(a) Ground visibility within control zones. When the ground visibility is less than 3 miles, no person shall take off or land an aircraft at an airport within a control zone, or enter the traffic pattern of such an airport, unless an air traffic clearance is obtained from air traffic control;

(b) Flight visibility within control zones. When the flight visibility is less than 3 miles, no person shall operate an aircraft in flight within a control zone, unless an air traffic clearance is obtained from air traffic control;

(c) Flight visibility within control areas. When the flight visibility is less than 3 miles, no person shall operate an aircraft within a control area;

NOTE: When the flight visibility is less than 3 miles, operations within control areas are to be conducted in accordance with instrument flight rules. Flight below 700 feet above the surface is not within a control. area. See definition of control area.

(d) Flight visibility elsewhere. When outside of control zones and control areas, no person shall operate an aircraft in flight when the flight visibility is less than one mile. However, helicopters. §§ 60.41-60.49.

§ 60.23 Aircraft lights. Between sun- may be flown at or below 700 feet above the surface when the flight visibility is less than one mile if operated at a roduced speed which will give the pilot of such helicopter adequate opportunity to see other air traffic or any obstruction in time to avoid hazard of collision.

> Note: When traffic conditions permit, air traffic control will issue an air traffic clearance for flights within, entering, or departing control zones when ground visibility or the flight visibility is less than 3 miles. The operator of any airport within a control zone, other than the airport upon which the control zone is centered, may secure continuing permission from air traffic control to conduct operations when the visibility is less than 3 miles: Provided, That such operations, at all times, remain 2,000 feet horizontally. and 500 feet vertically from clouds, and traffic patterns are established and observed which avoid conflict with other operations. When outside of control zones and at an aititude of less than 700 feet above the surface, helicopters are permitted to fly when the flight visibility is less than one mile because of their special flight characteristics which allow them to proceed at low speed with

> § 60.32 Cruising altitudes. When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface. the following cruising altitudes shall be observed:

> (a) Within control zones and control areas. At an odd or even thousand-foot altitude appropriate to the direction of flight as specified by the Administrator;

> (b) Elsewhere. When the flight visibility is less than 3 miles, at an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thou-

sands (3,000; 5,000; etc.)

(2) 90° to 179° inclusive, at odd thousands plus 500 (3,500; 5,500; etc.)

(3) 180° to 269° inclusive, at even thousands (4,000; 6,000; etc.)

(4) 270° to 359° inclusive, at even thousands plus 500 (4,500; 6,500; etc.)

Nore: "Odd and even" thousand-foot altitudes specified by the Administrator for civil airways will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. In view of increasing air traffic and the broad range of speed of aircraft, safety requires observance of the above cruising altitudes.

§ 60.33 VFR flight plan. If a VFR flight plan is filed, it shall contain such of the information listed in § 60.41 as air traffic control may require.

Nore: Although flight plans are not required for VFR flight, air traffic control will accept such flight plans when desired by the pilot. Flights proceeding over sparsely populated areas or mountainous terrain may thus take advantage of any search and rescue facilities which may be available in emergencies. The information contained in such a flight plan is of importance to search and rescue operations.

#### INSTRUMENT FLIGHT RULES (IFR)

§ 60.40 Application. When aircraft are not flown in accordance with the distance-from-cloud and visibility rules prescribed in the visual flight rules, §§ 60.30-60.33, aircraft shall be flown in accordance with the rules prescribed in

- § 60.41 IFR flight plan. Prior to takeoff from a point within a control zone or prior to entering a control area or control zone, a flight plan shall be filed with air traffic control. Such flight plan shall contain the following information unless: otherwise authorized by air traffic control:
- (a) Aircraft identification, and if necessary, radio call sign;
- (b) Type of aircraft; or, in the case of a formation flight, the types and number of aircraft involved;
- (c) Full name, address, and number of pilot certificate of pilot in command of the aircraft, or of the flight commander if a formation flight is involved;
  - (d) Point of departure;
- (e) Cruising altitude, or altitudes, and the route to be followed;
  - (f) Point of first intended landing;
- (g) Proposed true air speed at cruising altitude;
- (h) Radio transmitting and receiving frequencies to be used;
  - (i) Proposed time of departure;
- (j) Estimated elapsed time until arrival over the point of first intended landing:
- (k) Alternate airport or airports, in accordance with the requirements. of § 60.42;
- (1) Amount of fuel on board expressed in hours;
- (m) Any other information which the pilot in command of the aircraft, or air traffic control, deems necessary for air traffic control purposes;
- (n) For international flights: The number of persons on board.
- § 60.42 Alternate airport. An airport shall not be listed in the flight plan as an alternate airport unless current weather reports and forecasts show a trend indicating that the ceiling and visibility at such airport will be at or above the following minimums at the time of arrival:
- (a) Airport served by radio directional facility. Ceiling 1,000 feet, visibility one mile; or ceiling 900 feet, visibility 11/2 miles; or, ceiling 800 feet, visibility 2 miles;
- (b) Airport not served by radio directional facility. Ceiling 1,000 feet with broken clouds or better, visibility 2 miles;
- (c) Minimums at individual airports. The Administrator may, in the interest of safety, prescribe higher ceiling and visibility minimums at individual airports than required by paragraph (a) or (b) of this section; and for individual operations at particular airports, may specify lower minimums if he shall find that such reduced minimums will not decrease safety.

Note: The minimums set forth in § 60.42 are required for clearance prior to take-off and are not intended to limit use of any alternate airport if weather conditions change while en route, in which event the published landing minimums shall apply. Minimums for particular airports which may be prescribed by the Administrator will be published in Parts 609 and 610 of this title, and also may be found in the Approach and Landing Charts of the Coast and Geodetic Survey, and in the Airman's Guide.

§ 60.43 Air traffic clearance. Prior to take-off from a point within a con-

trol zone, or prior to entering a control area or control zone, an air traffic clearance shall be obtained from air traffic control.

- § 60.44 Cruising altitudes. Aircraft shall be flown at the following cruising altitudes:
- (a) Within control areas and control zones. At altitudes authorized by air traffic control;
- (b) Elsewhere. At an altitude appropriate to the magnetic course being flown as follows:
- (1) 0° to 89° inclusive, at odd thousands (1,000; 3,000; etc.)
- (2) 90° to 179° inclusive, at odd thou-
- sands plus 500 (1,500; 3,500; etc.)
  (3) 180° to 269° inclusive, at even thousands (2,000; 4,000; etc.).
- (4) 270° to 359° inclusive, at even thousands plus 500 (2,500; 4,500; etc.)

Note: The above cruising altitudes are not in conflict with those required for flight under VFR rules.

- § 60.45 Course to be flown on civil airways. Aircraft operating along civil airways shall be flown as follows unless otherwise authorized by Air Traffic Control:
- (a) Along a low/medium frequency airway, aircraft shall be flown to the right of the center line of such airway.
- (b) Along a VOR airway, aircraft shall be flown on a radial designated as forming the center line of such airway.
- § 60.46 Instrument approach procedure. When instrument let-down to an airport is necessary, a standard instrument approach procedure prescribed for that airport by the Administrator shall be used, unless:
- (a) A different instrument approach procedure specifically authorized by the Administrator is used, or
- (b) A different instrument approach procedure is authorized by air traffic control for the particular approach, provided such authorization is issued in accordance with procedures approved by the Administrator.

Note: Standard instrument approach procedures prescribed by the Administrator are published in Parts 609 and 610 of this title, and also may be found in the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey, and in the Airman's Guide. Such procedures have been carefully investigated with respect to pat-tern and terrain clearance. Safety would not permit several aircraft to make simultaneous use of more than one instrument approach procedure unless such operations were controlled.

§ 60.47 Radio communications. Within control zones and control areas the pilot in command of the aircraft shall ensure that a continuous watch is maintained on the appropriate radio frequencies and shall report by radio as soon as possible the time and altitude of passing each designated reporting point, or the reporting points specified by air traffic control, together with weather conditions which have not been forecast, and other information pertinent to the safety of flight.

Note: Designated reporting points are noted in publications of aids to air navigation. Control of air traffic is predicated on

knowledge of the position of aircraft in flight. The reporting of unanticipated weather encountered en route such as ising or extreme turbulence may be of importance to the casety of other aircrast anticipating flight within the area.

§ 60.49 Radio failure. If unable to maintain two-way radio communications, the pilot in command of the aircraft shall:

(a) If operating under VFR conditions, proceed under VFR and land as soon as practicable, or

(b) Proceed according to the latest air traffic clearance to the radio facility serving the airport of intended landing. maintaining the minimum safe altitude or the last acknowledged assigned altitude whichever is higher. Descent shall start at the expected approach time last authorized or, if not received and acknowledged, at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

Norz: Detailed procedures to be followed by the pilot are contained in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D. C.

#### DEFINITIONS

§ 60.60 Definitions. As used in this part, terms shall be defined as follows: Acrobatic flight. Maneuvers intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal acceleration.

Note: The term "acrobatic flight" is not intended to include turns or maneuvers necescary to normal flight.

Air traffic. Aircraft in operation anywhere in the airspace and on that area of an airport normally used for the movement of aircraft.

Air traffic clearance. Authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within a control zone or control area.

Air traffic control. A service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

Aircraft. Any contrivance used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

Airplane. A mechanically propelled aircraft the support of which in flight is derived dynamically from the reaction on surfaces in a fixed position relative to the aircraft but in motion relative to the

Airport. A defined area on land or water, including any buildings and mstallations, normally used for the take-off and landing of aircraft.

Airship. A mechanically propelled aircraft whose support is derived from lighter-than-air gas.

Alternate airport. An airport specifled in the flight plan to which a flight may proceed when a landing at the point of first intended landing becomes madvisable.

Balloon. An aircraft, excluding moored balloons, without mechanical

No. 178-

means of propulsion, the support of which is derived from lighter-than-air gas.

Ceiling. The height above the ground or water of the lowest layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

Control area. An airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised.

Control zone. An airspace of defined dimensions, designated by-the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

Crusing attitude. A constant altimeter indication, in relation to sea level, maintained during a flight or portion thereof.

Expected approach time. The time at which it is expected that an arriving aircraft will be cleared to commence approach for a landing.

Flight plan. Specified information filed either verbally or in writing with air traffic control relative to the intended flight of an aircraft.

Flight visibility. The average horizontal distance that prominent objects may be seen from the cockpit.

Glider An aircraft without mechanical means of propulsion, the support of which in flight is derived dynamically from the reaction on surfaces in motion relative to the air.

Ground visibility. The average range of vision in the vicinity of an airport as reported by the U.S. Weather Bureau or, if unavailable, by an accredited observer.

Helicopter A type of rotocraft the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

IFR. The symbol used to designate instrument flight rules.

IFR conditions. Weather conditions below the minimum prescribed for flights under VFR.

Magnetic course. The true course or track, corrected for magnetic variation, between two points on the surface of the earth.

Prohibited area. Airspace identified by an area on the surface of the earth within which the flight of aircraft is prohibited. A prohibited area may be established by the President of the United States or any State of the United States pursuant to the Air Commerce Act of 1926, or it may be established pursuant to the Civil Aeronautics Act of 1938, as amended.

Reporting point. A geographical location in relation to which the position of an aircraft is reported.

Restricted area. Airspace identified by an area on the surface of the earth within which the flight of aircraft, while not wholly prohibited, is subject to restrictions. A restricted area may be established by the President of the United States or by any State of the United States pursuant to the Air Commerce Act of 1926, or it may be established pursuant to the Civil Aeronautics Act of 1938, as amended, or it may be established by the Administrator of Civil Aeronautics pursuant to the provisions of § 60.13a.

Rotorcraft. An aircraft whose support in the air is chiefly derived from the vertical component of the force produced by rotating airfoils.

Sunset and sunrise. Sunset and sunrise are the mean solar times of sunset and sunrise as published in the Nautical Almanac converted to local standard time for the locality concerned, except within the Territory of Alaska.

Note: The Nautical Almanac containing sunshine tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available from the sunshine tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

Traffic pattern. The flow of aircraft operating on and in the vicinity of an airport during specified wind conditions as established by appropriate authority.

VFR. The symbol used to designate visual flight rules.

VFR conditions. Weather conditions equal to or above the minimum prescribed for flights under VFR.

[F. R. Doc. 55-7334; Filed, Sept. 12, 1955; 8:45 a. m.]

#### Chapter II—Civil Aeronautics Administration, Department of Commerco

IAmdt, 1321

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Fanel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act is not required.

Fart 608 is amended as follows:
1. In § 608.15, a Camp Hale, Colorado, temporary area, (R-482) is added to

read:

Name and location' (chart)	Description by geographical coordinates	Designated alti- tudes	Time of desig- nation	Controlling agency
CAMP HALE (R-482) (Denver).	North boundary: latitude 39°40′00″- East boundary: longitude 106°03′00″- South boundary: latitude 39°21′00″- West boundary: longitude 106° 20′00″	Surface to 20,000 feet mean sca level.	Sept. 13, to Nov 15, 1955.	Ft. Carson, Colo.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on September 13, 1955.

[SEAL]

S. A. Kemp Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-7335; Filed, Sept. 12, 1955; 8:45 a. m.]

#### TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 605, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F R. 2913) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limita-

tion of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REG-ISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 953.712 (Lemon Regulation  $605 \cdot 20$  F R. 6510) are hereby amended to read as follows:

(ii) District 2: 350 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 8, 1955.

SEALI FLOYD F HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural
Marketing Service.

[F. R. Doc. 55-7376; Flied, Sept. 12, 1955;

[Avocado Order 10]

PART 969—AVOCADOS GROWN IN SOSTH FLORIDA

#### MATURITY REGULATION

§ 969.310 Avocado Order 10-(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F R. 4177) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as herein-after provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U.S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 12, 1955. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until September 6, 1955; determinations as to the time of maturity of the varieties of avocados covered by this section were made at the meeting of said committee on September 6, 1955, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation was submitted to the Department; such meeting was held to consider recommendation for such regulation oafter giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) Order (1) During the period from 12:01 a. m., e. s. t., September 12, 1955, and 12:01 a. m., e. s. t., of the respective date specified for the particular variety in column 3 of table I, no handler

shall handle any avocados of a variety listed in Column 1 of such table unless the individual fruit weighs at least the ounces specified for the respective variety in Column 2 of such table;

(2) After the effective time of this regulation, no handler shall handle, except as specially provided in subparagraphs (7) and (8) of this paragraph, any variety of avocados listed in column 1 of table II prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in column 2 of such table;

(3) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in column 2 of table II and 12:01 a. m., e. s. t., of the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table;

(4) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in column 4 of table II and 12:01 a. m., e. s. t., of the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table;

(5) During the period from 12:01 a.m., e. s. t., of the date listed for the respective variety in column 6 of table II and 12:01 a.m., e. s. t., of the date listed

for the respective variety in column 8 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the repective variety in column 7 of such table.

(6) Notwithstanding the provisions of subparagraphs (1) through (5) of this paragraph regarding the minimum weight for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh not to exceed two ounces less than the prescribed weight as specified in Table I or Table II for the particular variety, such tolerance to be on a lot basis, but not to exceed double such tolerance percentage shall be permitted for an individual container in a lot, and, in addition, when minimum diameters are specified for a variety, any avocados of that variety in a lot may weigh not to exceed two ounces less than the applicable weight specified for such variety, if they measure at least the applicable diameter so specified for

TABLE I

that variety;

Variety (1)	Minimum weight or diameter (2)	Date (3)
Wal-lin	10 cz. 3½ c ln. 10 cz. 10 cz. 8 cz.	Oct. 17, 1935 Sept. 26, 1935 Sept. 19, 1935 Oct. 3, 1935

	TABLE II						
Variety	Date	Minimum weight er diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(3)	Ø	თ	(3)
Booth 8	Sept. 12, 1955	16 ez 33 fo in.	Sept. 10, 1955	14 oz 3 % s in.	Oct. 3,1935	12 oz 3% fo in.	Oct. 17,1935
Lula	Oct. 3,1955	18 oz 3191e in.	Oct. 17,1955	16 6z 3% in.	Oct. 31,1935	14 0z	Nov. 14,1955
Booth 7	Oct. 10,1955	16 oz 33fc in.	Oct. 24,1035	14 oz 3% io ln.	Nov. , 7, 1033	10 oz 3½ o in.	Nov. 21,1935
HicksonCollinson	Oct. 17,1955	14 oz 16 oz	Oct. 31,1925 Oct. 31,1925	10 cz 14 cz	Nov. 14, 1935 Nov. 14, 1935	9 oz 10 oz	Dec. 5,1915 Dec. 5,1955
Hall Herman	Oct. 24,1935 Oct. 31,1935	18 oz 16 oz	Nov. 7,1935 Nov. 14,1935	16 cz 14 cz	Nov. 21, 1935 Nov. 23, 1935 Dec. 6, 1935	14 oz 10 oz	Dec. 19,1935 Dec. 19,1935
Winslowson Booth 3	Oct. 31, 1955 Nov. 14, 1955	18 oz 16 oz	Nov. 7.1935	16 cz 14 cz	Dec. 5,1935 Dec. 12,1935	10 cz 10 cz	Dec. 26,1935 Dec. 26,1935
Booth 1 Monroe	Nov. 21, 1955	16 oz 24 oz	Nov. 23, 1835 Dec. 6, 1835 Dec. 6, 1835	14 cz 20 cz	Dec. 19,1933 Dec. 19,1935	10 cz 14 cz	Jan. 2,1956 Jan. 2,1956
Choquette Taylor	Nov. 21, 1935 Nov. 21, 1935 Nov. 21, 1935	24 oz 12 oz	Dec. 5,1075 Dec. 6,1075	20 oz 10 oz.	Dec. 19,1935 Dec. 19,1935	14 GZ 7 GZ	Jan. 2,1936 Jan. 2,1936
Linda Wagner	Dec. 5, 1935 Dec. 19, 1935	16 oz 12 oz	Dec. 19, 1935 Jan. 2, 1936	14 oz 10 cz	Jan. 2,1916 Jan. 16,1916	0 oz 6 oz	Jan. 16,1976 Jan. 20,1976
Fairchild.	Sept. 12, 1955	14 oz. 348 in.	Sept. 19, 1835	8 62 3 in.	Sept. 20, 1935		
Nirody	Sept. 19, 1955	18 oz 376 in.	Sept. 23, 1925	16 oz 3% in.	Oct. 10,1955	10 oz 3½ in.	Nov. 7,1035
SimpsonVaca	Sept. 28, 1955 Oct. 3, 1955	16 ez 16 ez 35á in.	Oct. 3,1025 Oct. 17,1035	14 cz 14 cz 34á ln.	Oct. 17,1933 Oct. 31,1933	8 62 8 62 3 in.	Nov. 7,1955 Nov. 21,1955
Sherman Black Prince	Oct. 3,1935 Oct. 3,1935	16 oz 16 oz	Oct. 17,1025 Oct. 17,1035	14 oz 14 oz	Oct. 31,1935 Oct. 31,1935	8 0Z	Nov. 21, 1935 Nov. 21, 1935 Nov. 21, 1935
Collinred Pumpkin	Oct. 10,1035 Oct. 10,1835	16 oz 32 oz	l Oct. 24,1935	14 oz	Nov. 7,1935	8 cz	Nov. 21,1955
Booth 5	Oct. 17,1955 Oct. 17,1955	16 oz	Nov. 21, 1615 Oct. 31, 1615 Oct. 31, 1615	14 oz 14 oz	Nov. 14,1935 Nov. 14,1935	8 0Z	Dec. 12,1005
Nelson	Oct. 24,1933	16 oz 3's in.	Nov. 7,1825	14 oz 3 % ln.	Nov. 21,1935	8 oz	Dec. 12,1575 Dec. 19,1975
Rue	Oct. 24,1935 Oct. 10,1935	20 cz 12 cz	Nov. 7,1925 Oct. 24,1935 Nov. 14,1935	16 cz 10 cz	Nov. 21,1935 Nov. 7,1935 Nov. 23,1935 Nov. 23,1935	12 oz	Dec. 19,1975 Nov. 21,1975
Booth 10	Oct. 31,1935 Oct. 31,1935	16 oz 16 oz	Nov. 14,1935 Nov. 14,1935	14 oz 14 oz	Nov. 23,1933	8 0Z	Dec. 26,1075 Dec. 26,1975
Yon	Oct. 31, 1935 Nov. 7, 1935	28 ez 16 ez	Dec. 23, 1825 Nov. 21, 1825	14 oz	Dec. 5,1935	80Z	Dec. 20,1015
Ajax Booth 7-B Dunedin	Nov. 7,1935 Nov. 14,1935	16 ez	Nov. 21, 1935 Nov. 23, 1935	14 ez 14 ez	Dec. 5,1033 Dec. 12,1933	8 cz	Dec. 26,10-5 Dec. 26,10-5
Blakeman	Nov. 21, 1955	16 oz 3% in. 14 oz		3'8 in. 12 cz	Doc. 19,1933	3 in. 8 cz	Jan. 2,1075
Byars #1	Dec. 5,1955	16 oz	Dec. 5,1935 Dec. 19,1935 Dec. 29,1935	14 0Z	Jan. 2,1936 Jan. 9,1936	80Z	Jan. 16,1006 Jan. 23,1006
Nabal	Dec. 12,1955	14 oz 33% in.		12 ez 3% in.	l '	3 in.	والالاولام مقلوب
Eagle Rock	Jan. 2,1956 Jan. 16,1956	16 oz 14 oz	Jan. 10,1939 Jan. 29,1939	14 oz 12 oz	Feb. 13,1936		<b>Z</b>
Schmidt McDonald	Jan. 20,1956 Feb. 13,1956	16 05	Feb. 13,1939	14 cz	Feb. 27, 1936		
Itzamna	Feb. 27,1959	<u> </u>	ļ	<u> </u>	<u> </u>	·	

(7) During the period from 12:01 a. m., e. s. t., October 17, 1955, and 12:01 a. m., e. s. t., November 7, 1955, no handler shall handle any Booth 8 variety of avocados unless the individual fruit weighs at least nine ounces: Provided, That (i) up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than nine ounces but not less than seven ounces, but not more than double such tolerance percentage shall be permitted for any individual container in such lot; and (ii) the remainder of the avocados in such lot may weigh less than nine ounces but not less than seven ounces if such avocados also measure at least two and fourteen-sixteenths inches in diameter;

(8) During the period from 12:01 a. m., e. s. t., November 14, 1955, and 12:01 a. m., e. s. t., December 12, 1955, no handler shall handle any Lula variety of avocados unless the individual fruit weighs at least eleven ounces: Provided. That (i) up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than eleven ounces but not less than nine ounces, but not more than double such tolerance percentage shall be permitted for any individual container in such lot; and (ii) the remainder of the avocados in such lot may weigh less than eleven ounces but not less than nine ounces if such avocados also measure at least two and fifteen-sixteenths inches in diameter

(9) The provisions of paragraph (b) (2) and (3) of Avocado Order 6 (§ 969.306; 20 F. R. 3427) shall not apply to the varieties of avocados named in the foregoing table; and

(10) As used in this section, the term "diameter" means the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

(c) Termination of Avocado Order 8. The provisions of Avocado Order 8. (§ 969.308; 20 F R. 4177) are hereby terminated effective as of the effective time of this order.

(d) Effective time. The provisions of this section shall become effective at 12:01 a. m., e. s. t., September 12, 1955. (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 8, 1955.

FLOYD F HEDLUND, Acting Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-7357; Filed, Sept. 9, 1955; 4:25 p. m.]

# TITLE 16—COMMERCIAL PRACTICES

#### Chapter I—Federal Trade Commission

[Docket 6333]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

AARON WOOL CORP. ET AL.

Subpart—Misbranding or mislabeling: § 13.1190 Composition. Wool Products Labeling Act; § 13.1325 Source or origin: Maker or Seller, Etc.. Wool Products Labeling Act. Subpart—Misrepresent—

ing oneself and goods-Goods: § 13.1590 Composition. Subpart-Neglecting. unfairly or deceptively, to make material disclosure: § 13.1845 Composition. Wool Products Labeling Act; § 13.1900 Source or origin. Wool Products Labeling Act. I. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of batts and battings or other "wool prodas such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool" processed wool" or "reused wool" as those terms are defined in said Act, and on the part of respondent corporation. and its officers, and on the part of respondent Jack Markowitz, individually and as an officer of said corporation, and respondents' representatives, etc., mis-branding such products by 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such pool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool,(4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers: (b) the maximum percentages of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and, II, in connection with the offering for sale, sale, or distribution of batts or battings or any other products, in commerce, as "commerce" is defined in the Federal Trade. Commission Act, and on the part of said respondents, etc., misrepresenting the constituent fibers of which respondents' products are composed or the percentages or amounts thereof, in sales invoices, shipping memoranda or in any other manner; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939; and to further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder. (Sec. 6, 38 Stat. 721, 15 U.S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended. secs. 2-5, 54 Stat. 1128-1130; 15 U.S. C. 45,

68-68(c)) [Cease and desist order, Aaron Wool Corporation et al., Yonkers, N. Y., Docket 6333, Aug. 11, 1955]

In the Matter of Aaron Wool Corporation, a Corporation, and Jack Markowitz, Oscar Fishman, and Murry Lipman, Individually and as Officers of Said Corporation

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission, which charged respondent corporation, and respondents Jack Markowitz, Oscar Fishman, and Murry Lipman, individually and as officers of said corporation, with the use of unfair and deceptive acts and practices and unfair methods of competition in interstate commerce, in violation of the provisions of the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939 and the Rules and Regulations made pursuant thereto, by misbranding certain wool products, including certain batts and battings, manufactured by them for introduction into commerce, and by otherwise misrepresenting the same; upon separate affidavits filed by respondents Fishman and Lipman, subsequent to the filing of their answers, supported by an affidavit of respondent Jack Markowitz, president of said corporate respondent, to the effect that said respondents Fishman and Lipman never had been officers or directors of respondent corporation and never directed, formulated, or controlled its acts and practices, and that said indi-vidual respondents instead were actively engaged in two other, identified concerns; and upon an agreement for consent order disposing of all the issues in the proceeding, which was entered into by respondent corporation, and respondent Markowitz, individually, subsequent to the filing of their answers, which agreement was duly approved by the Director and Assistant Director of the Bureau of Litigation and which expressly provided that the signing thereof was for settlement purposes only and did not constitute an admission by respondents that they had violated the law.

By the terms of said agreement, the said respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations: the answers theretofore filed by respondents were withdrawn and the parties expressly waived a hearing before the hearing examiner or the Commission, the making of findings of facts or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which the respondents might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission: respondents further agreed that the order to cease and desist, issued in accordance with said agreement, should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, and specifically waived any and all right,

power, or privilege to challenge or contest the validity of such order; and it was further provided that said agreement, together with the complaint, should constitute the entire record in the matter, that the complaint in the matter might be used in construing the terms of the order issued pursuant to said agreement, and that said order might be altered, modified or set aside in the manner prescribed by the statute for orders of the Commission.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; his consideration of such agreement and the order therein contained, and his conclusion that they provided for appropriate disposition of the proceeding; his acceptance of said agreement and order, which he made a part of the record; and his findings, in consonance with the terms of said agreement, that the Commission had jurisdiction of the subject matter of the proceeding and of the respondents named therein, and that the proceeding was in the interest of the public; and in which he issued order to cease and desist and order of dismissal as to said respondents Fishman and Lipman.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated August 11, 1955, became, on said date, pursuant to § 3.21 of the Commission's Rules of Practice, the decision of the Commission.

Said order is as follows:

It is ordered, That respondents Aaron Wool Corporation, a corporation, and its officers, and Jack Markowitz, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of batts and battings or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," processed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by.

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers in-

cluded therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner;

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939 and

Act of 1939, and

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939, and

Provided, further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations

promulgated thereunder.

It is further ordered, That Aaron Wool Corporation, a corporation, and its officers, and Jack Markowitz, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of batts or battings or any other products, in commerce, as "com-merce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof, in sales invoices, shipping memoranda or in any other manner.

It is further ordered, That the complaint be dismissed as to the respondents Oscar Fishman and Murry Lipman.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Aaron Wool Corporation, a corporation, and Jack Markowitz, individually and as an officer of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 11, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, Secretary.

[F. R. Doc. 55-7346; Filed, Sept. 12, 1955; 8:48 a. m.]

# TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange
Commission

PART 240—GENERAL RULES AND REGULA-TIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

UNLISTED TRADING PRIVILEGES

The Securities and Exchange Commission today announced the amendment of §§ 240.12f-1, 240.12f-2 and

240.12f-3 (Rules X-12F-1, X-12F-2 and X-12F-3) and the adoption of Forms 27 and 23 (17 CFR 249.227 and 249.228) under the Securities Exchange Act of 1934, to simplify the procedures in connection with the extension, continuation or termination of unlisted trading provileges in a security on a national securities exchange.

Paragraph (a) of § 240.12f-1 provides for certain information to be furnished in an application filed by a national securities exchange scaling permission to extend unlisted trading privileges to a security. The amendment to this paragraph of the rule now makes it unnecessary for the application to contain certain information already available at the Commission, and provides that information concerning the volume of trading in the security in the vicinity of the exchange be furnished for the three months preceding the filing of the application instead of for a twelve month period. It has become increasingly difficult to obtain reasonably accurate information for any period as long as twelve months, and it appears that information covering a three month period will be sufficient for the purpose for which it is

Paragraph (b) of § 240.12f-1, which required the applicant exchange to furnish a copy of the application to the issuer and certain other national securities exchanges, has been receinded. This requirement was considered to be unnecessary since the Commission gives adequate notice of the filing of the application and of the opportunity for a hearing to the issuer and to the national securities exchanges on which the security is listed and registered, and such notice is also published generally. Paragraph (b) of § 240.12f-3 has been deleted for the same reason.

Paragraph (a) of § 240.12f-2 provides that when a security admitted to unlisted trading privileges is changed in specified respects (such as the interest rate, the maturity date, etc.) it shall still be deemed to be the security admitted to unlisted trading privileges, and it requires the exchange to notify the Commission of such change under certain circumstances. Form 27 has been adopted as the form for such notice.

Section 240.12f-3 permits a national securities exchange to suspend or terminate unlisted trading privileges in any security in accordance with its rules and provides for prompt notice thereof to the Commission. The Commission has adopted Form 28 as the form for such notice.

Sections 240.12f-1, 240.12f-2, and 240.12f-3, as amended, now require the filing of only one copy (instead of three) of the application provided for in the rules. Form 27 and Form 28 also provide for the filing of only one copy thereof, except that if acknowledgment of the filing is desired by the exchange, it is to be filed in duplicate so that receipt thereof can be indicated by the Commission on the duplicate which would then be returned to the Exchange.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections

12 (f) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and to carry out its functions under the act, hereby amends §§ 240.12f-1, 240.12f-2 and 240.12f-3, as stated below, and hereby adopts Forms 27 and 28 (17 CFR 249.227 and 249.228) The Commission finds that notice and public procedure pursuant to section 4 of the Administrative Procedure Act are unnecessary since these amendments and forms relate only to matters of procedure.

Text of rules as amended:

- § 240.12f-1 Applications for permission to extend unlisted trading privileges.
  (a) An application may be made to the Commission by any national securities exchange for the extension of unlisted trading privileges to any security pursuant to section 12 (f) One copy of such application, executed by a duly authorized officer of the exchange, shall be filed and shall set forth:
  - (1) Name of issuer;(2) Title of security.
- (3) Information as to the public distribution of such security in the vicinity of such exchange, and the geographical area which is deemed to constitute such vicinity, stating the source of such information;
- (4) Information as to the volume of public trading in such security in the vicinity of such exchange during the three calendar months immediately preceding the date of such application, stating the source of such information; and
- (5) Any other information which is deemed pertinent to the question of whether the continuation or extension of unlisted trading privileges in such security is necessary or appropriate in the public interest or for the protection of investors.
- § 240.12f-2 Changes in securities admitted to unlisted trading privileges.

  (a) Any security admitted to unlisted trading privileges on a national securities exchange shall be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange although changed in one or more of the following respects:
- (1) Title of such security or the name of the issuer;
- (2) The maturity, interest rate, and/or outstanding aggregate principal amount of an issue of bonds, debentures or notes;
- (3) The par value, dividend rate, number of shares authorized and/or the outstanding number of shares of a stock.
- Such exchange shall notify the Commission of any such change by filing Form 27 with the Commission promptly after learning thereof, except that such notification need not be filed if such security is also listed and registered on another national securities exchange.
- (b) Any security admitted to unlisted trading privileges on a national securities exchange in respect of which there is effected any change other than those specified in paragraph (a) of this section, shall, nevertheless, be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange, provided the Commission shall have determined, upon application by such exchange, that the security after

such change is substantially equivalent to the security therefore admitted to unlisted trading privileges. One copy of such application, executed by a duly authorized officer of the exchange, shall be filed, and it shall contain the following information:

- (1) Title of security
- (2) Name of issuer and
- (3) A brief but comprehensive description of each change proposed to be effected in such security, together with a copy of all written matter submitted to security holders relating to each such change.
- § 240.12f-3 Termination or suspension of unlisted trading privileges. (a) The issuer of any security for which unlisted trading privileges on any exchange have been continued or extended, or any broker or dealer who makes or creates a market for such security, or any other person having a bona fide interest in the question of termination or suspension of such unlisted trading privileges, may make application to the Commission for the termination or suspension of such unlisted trading privileges. One duly executed copy of such application shall be filed, and it shall contain the following information:
  - (1) Name and address of applicant:
- (2) A brief statement of the applicant's interest in the question of termination or suspension of such unlisted trading privileges;
  - (3) Title of security;
  - (4) Name of issuer.
- (5) Amount of such security issued and outstanding (number of shares of stock or principal amount of bonds) stating source of information;
- (6) Annual volume of public trading in such security (number of shares of stock or principal amount of bonds) on such exchange for each of the three calendar years immediately preceding the date of such application, and monthly volume of trading in such security for each of the twelve calendar months immediately preceding the date of such application;

(7) Price range on such exchange for each of the twelve calendar months immediately preceding the date of such

application; and

- (8) A brief statement of the information in the applicant's possession, and the sources thereof, with respect to (i) the extent of public distribution of such security in the vicinity of such exchange and the geographical area which is deemed to constitute such vicinity, (ii) the extent of public trading in such security on such exchange, and (iii) the character of trading in such security on such exchange.
- (b) Unlisted trading privileges in any security on any national securities exchange may be suspended or terminated by such exchange in accordance with its rules. Such exchange shall promptly file Form 28 (17 CFR 249.228) to notify the Commission of any such suspension or termination.

This action shall be effective August 31, 1955, except that Forms 27 and 28 need not be used for the giving of the notices provided for therein prior to September 30, 1955.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

AUGUST 31, 1955.

[F. R. Doc. 55-7370; Filed, Sept. 12, 1955; 8:53 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

SUBPART C—FORMS FOR APPLICATION FOR REGISTRATION OF SECURITIES ON NATIONAL SECURITIES EXCHANGES AND SIMILAR MATTERS

ADOPTION OF NEW FORMS

The following forms 1 have been adopted:

§ 249.227 Form 27 for notification of changes in securities admitted to unlisted trading privileges.

§ 249.228 Form 28, for notification of the termination or suspension of unlisted trading privileges.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

AUGUST 31, 1955.

[F. R. Doc. 55-7371; Filed, Sept. 12, 1955; 8:53 a. m.]

#### TITLE 19—CUSTOMS DUTIES

#### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53888]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

MANIFESTING OF FOREIGN COFFEE SHIPPED TO PUERTO RICO, ENTRY FOR IMMEDIATE TRANSPORTATION; PACKAGES INCLUDED

As penalties may be imposed under the laws of the Commonwealth of Puerto Rico for failure to pay the duty upon foreign coffee brought into that island and imposed by the legislature thereof under the authority of section 319 of the Tariff Act of 1930, the customs requirement that manifests be filed with customs officers in Puerto Rico for foreign coffee shipped to that island from the United States has been determined to be unnecessary.

Paragraph (d) of § 18.11, providing that importations covered by different bills of lading naming different consignees at the port of destination cannot be included in one immediate transportation entry, is being deleted since it conflicts with paragraph (h) of that section, which allows a consolidated immediate transportation entry for several importations covered by bills of lading or carrier's certificates designating one consignee at the port of first arrival.

Accordingly, the Customs Regulations are amended as follows:

<sup>&</sup>lt;sup>2</sup>Filed as part of original document.

1. Section 4.81 is amended by deleting paragraph (c) and by redesignating paragraphs (d) (e) (f) and (g) as (c) (d) (e) and (f) respectively.

(R. S. 161, 251; 5 U. S. C. 22, 19 U. S. C. 66)

2. Section 18.11 is amended by deleting paragraph (d) and by redesignating paragraphs (e) (f) (g) (h) and (i) as (d) (e) (f) (g) and (h) respectively. (Secs. 484, 552, 46 Stat. 722, as amended, 742; 19 U. S. C. 1484, 1552)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 6, 1955.

A. N. OVERBY.

Acting Secretary of the Treasury.
[F. R. Doc. 55-7373; Filed, Sept. 12, 1955; 8:53 a. m.]

#### TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY, OR INTERPRETATION

PESTICIDE CHEMICALS; EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

In compliance with the procedure set out in § 340 Pesticide chemicals; date on which statute becomes fully effective, published in the Federal Register of June 10, 1955 (20 F. R. 4085) a request for an additional extension of the date when the statute (68 Stat. 511 et seg., 21 U. S. C. 342, 346a) shall become fully effective has been received for the pesticide chemical Aramite. In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (secs. 40a (a) (2) 408, 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5) 21 U.S. C. 342 (a) (2) and note 1 under section 342; 346a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) I find that an additional extension is necessary for study of the report of the Food and Drug Administration Advisory Committee to Consider Aramite and for preparation of an order based on it.

Therefore, § 3.41 Pesticide chemicals; extended dates on which statute shall become fully effective (20 F. R. 5160, 5678) is amended by deleting paragraph (a) (1) and substituting therefor the following new subparagraph (1)

(1) The effective date for Aramite (2-(p-tert-butylphenoxy) isopropyl-2-chloroethyl sulfite) shall be September 30, 1955, unless a tolerance is established for Aramite before that date, in which case the effective date shall be the date on which the regulation establishing such tolerance is published in the Federal Register.

(Sec. 701, 52 Stat. 1055; 21 U.S. C. 371)

Dated: September 7, 1955.

Geo. P. Larrick, Commissioner of Food and Drugs.

[F. R. Doc. 55-7351; Filed, Sept. 12, 1955; 8:49 a. m.]

#### TITLE 22—FOREIGN RELATIONS

#### Chapter I—Department of State

[Dept. Reg. 103.267]

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

Part 41—Visas: Documentation of Nonimmigrant Aliens Under the Immigration and Nationality Act

#### VISA REGULATIONS

Parts 40 and 41 of Chapter I, Title 22 of the Code of Federal Regulations, are hereby amended in the following respects:

1. Section 40.3 Types and ralidity of diplomatic visas, is amended to read as follows:

§ 40.3 Types and validity of diplomatic visas—(a) Regular diplomatic visa. A regular diplomatic visa shall be valid for the period indicated therein, as determined under the provisions of § 41.15 of this chapter, and may be used during the period of its validity in making any number of applications for admission into the United States: Promeded, That the status of the bearer as a person entitled to a diplomatic visa is maintained.

(b) Limited diplomatic visa. A limited diplomatic visa shall be valid for the period specified therein, as determined under the provisions of § 41.15 of this chapter, and may be used during the period of its validity in making a single application for admission into the United States: Provided, That the status of the bearer as a person entitled to a diplomatic visa is maintained.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

2. Paragraph (a) of § 41.16 Revalidation of nonimmigrant visa, is amended to read as follows:

(a) A nonimmigrant visa issued to a nonimmigrant under the provisions of section 101 (a) (15) of the Act may be revalidated in the same classification at the original visa-issuing office or other consular office: Provided, That (1) such visa has been used by the alien to gain admission into the United States, or if not used, the alien has in his possession Forms 257a, b, and d, which were issued to him; (2) such visa was originally issued for less than the maximum period of forty-eight months; (3) such visa is about to expire or expired less than twelve months prior to the application for revalidation, or has become invalid by reason of having been used for the number of applications for admission specified therein; and (4) the consular officer is satisfied that the alien is a bona fide nonimmigrant and is otherwise eligible to receive such a nonimmigrant visa, including the possession of a valid passport, if required.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the Federal Register. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order be-

cause the regulations contained therein involve foreign affairs functions of the United States.

Dated: September 2, 1955.

ROBERT F. CARTWRIGHT,
Acting Administrator, Bureau
of Security and Consular
Affairs.

[P. R. Dec. 55-7359; Filed, Sept. 12, 1955; 8:49 a. m.]

## TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service,
Department of the Treasury

Subchapter A—Income Tax [T. D. 6146]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1954

FIGURE TO BE USED IN DETERMINING RESERVE
AND OTHER POLICY LIABILITY DEDUCTION
FOR LIFE HISURANCE COMPANIES

Panagnaph 1. By virtue of the authority, vested in me by section 804 (a) of the Internal Revenue Code of 1954 (63A Stat. 258; 26 U. S. C. 804 (a)) it is hereby determined that the figure to be used in computing the "reserve and other policy liability deduction" of life insurance companies for the taxable year 1955 shall be 0.8238.

PAR. 2. It is found that notice and public procedure are unnecessary, since the figure announced in this Treasury decision is computed from information contained in the income tax returns of life insurance companies for the year 1954 which are not open to public inspection. The public accordingly cannot effectively participate in the determination of such figure.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interprets or applies sec. 804, 63A Stat. 253; 26 U. S. C. 804)

> H. Chapman Rose, Acting Secretary of the Treasury.

[F. R. Doc. 55-7422; Filed, Sept. 9, 1955; 4:55 p. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

> Subchapter A—Alaska [Circular No. 1929]

PART 63-GRAZING

ESTABLISHMENT OF GRAZING DISTRICTS AND ISSUANCE OF GRAZING LEASES

This part is revised, effective 60 days from date of approval by the Secretary of the Interior, to read as follows:

Sec.

3.1 Statutory authority.

63.1 Statute 63.2 Policy.

63.3 Definitions.

63.4 Grazing districts; leases on acreage basis; exceptions.

63.5 Lands subject to lease.

63.6 Qualifications of applicants.

- Sec. No right acquired by applicant prior 63.7 to lease.
- Classes of applicants; preference 63.8 rights.
- Application for lease; schedule of 63.9 operations.
- 63.10 Maximum number of stock.
- Annual rental; amount; adjustment; 63.11
- 63.12 Reduction in leased area, when area is excessive.
- 63.13 Free grazing permits; leases to natives.
- 63.14 Protests.
- Issuance of lease. 63.15
- Report of grazing operations; assign-63.16
- ments; renewals. Stock driveways; crossing permits; 63.17
- quarantine regulations. 63.18 Rights reserved; public land laws ap-
- plicable. 63.19 Termination of lease; cancellation.
- Permits for construction and mainte-63.20 nance of improvements; fences.
- Removal of improvements and other 63.21 property.
- 63.22 Appeals.

AUTHORITY: §§ 63.1 to 63.22 issued under sec. 15, 44 Stat. 1455; 48 U. S. C. 471n.

- § 63.1 Statutory authority. The act of March 4, 1927 (44 Stat. 1452; 48 U. S. C. 471, 471a-471o) authorizes the Secretary of the Interior to establish grazing districts upon any public lands in Alaska, surveyed or unsurveyed, outside of the Aleutian Islands Reservation, outside of national forests and other reservations administered by the Secretary of Agriculture and outside of national parks and monuments, and to lease such lands for the grazing of livestock thereon. Section 7 of the act provides that all leases shall be made for a term of 20 years, except where the Secretary of the Interior determines that the land may be required for other than grazing purposes within the period of 10 years, or where the applicant desires a shorter term, and in such cases leases may be made for a shorter period.1
- § 63.2 Policy. The beneficial utilization of the public lands in Alaska for the purpose of livestock grazing shall be conducted in such manner as may be considered necessary and consistent with the purposes of the act but shall be subordinated to the development of their mineral resources, to their use for agriculture, to the protection, development and utilization of their forests, and to the protection, development and utilization of such other resources as may be of greater benefit to the public.
- § 63.3 Definitions. As used in this part:
- (a) "Secretary" means Secretary of the Interior:
- (b) "Director" means Director, Bureau of Land Management:
- (c) "Area Administrator" means Area Administrator, Bureau of Land Management, Juneau, Alaska,
- <sup>1</sup>In view of the provision of section 14 of the act of September 1, 1937 (50 Stat. 902; 48 U. S. C. 250m), which authorizes the Secretary of the Interior to regulate the grazing of reindeer upon the public lands in Alaska, reindeer leases are no longer issued under the Act of March 4, 1927 (44 Stat. 1452; 48 U. S. G. 741, et seq.). See 25 CFR Part 2—Reindeer in Alaska.

- (d) "Manager" means Manager, Land Office, Bureau of Land Management, in whose district the lands involved are
- (e) "The act" means the act of March 4. 1927 (44 Stat, 1452, 48 U. S. C. secs. 471, 471a-471o)
- (f) "Person" means individual, partnership, corporation or association;
- (g) "Native" means any member of the aboriginal races inhabiting Alaska. of whole or not less than half blood:
- (h) "District" means any grazing district established under the act.
- Grazing districts; leases on acreage basis; exceptions. (a) Pursuant to the act, grazing districts are hereby established, the boundaries of which shall be co-extensive with the boundaries of the public land districts in Alaska.
- (b) Grazing leases will be granted only for such areas as may be deemed adequate and usable according to the needs of the lessee. Leases will provide for grazing on a definite area, and on an acreage basis, except where peculiar local conditions or the difficulties of administration make more practicable a lease based on the number of livestock to be grazed.
- § 63.5 Lands subject to lease. Vacant, unreserved and unappropriated public lands are subject to lease. Where these lands are embraced within the natural grazing grounds or routes of migration of animals such as caribou or moose, or have other important values for wildlife, the lands may be leased, in the discretion of the manager, subject to such special terms and conditions as may be determined. Except as to those reservations described in § 63.1, public lands within the boundaries of a grazing district which have been withdrawn for any purpose may be leased with the prior consent of the Department or agency having administrative jurisdiction thereof and subject to such additional terms and conditions as such Department or agency may impose.
- § 63.6 Qualifications of applicants. An applicant for a grazing lease is qualified if the applicant:
  - (a) Is a citizen of the United States, or (b) Has on file before a court of com-
- petent jurisdiction a valid declaration of intention to become a citizen, or a valid petition for naturalization, or
- (c) Is a group, association, or corporation organized under the laws of the United States or of any State or Territory thereof, authorized to conduct business in Alaska, and the controlling interest in which is vested in persons who would be qualified under either paragraph (a) or (b) of this section.
- § 63.7 No right acquired by applicant prior to lease. The filing of an application will not segregate the land applied for from application by other persons for a grazing lease, or from other disposition under the public land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for pending the issuance of

a lease. Any such unauthorized use constitutes a trespass.3

- § 63.8 Classes of applicants; preference rights. (a) Applicants for grazing leases shall be given preferance in the following order:
  - (1) Natives.
  - (2) Bona fide settlers.
  - (3) Other qualified applicants.
- (b) Any person claiming a preference right to a lease under paragraph (a) above must furnish with the application required under § 63.9 a statement setting forth the facts on which such claim is made.
- § 63.9 Application for lease; schedule of operations.3 (a) An application for grazing lease must be executed in duplicate on form 4-469, and filed with the manager.
- (b) The application must be accompanied by a schedule of the applicant's proposed annual program to develop and increase the number of livestock which will be grazed on the land, and showing the applicant's need for all the land applied for, to provide forage for the maximum number of livestock which the applicant intends to graze thereon.
- (c) The applicant, upon request by the manager, must also furnish evidence of his financial responsibility consisting of a showing that he has the financial means or has made arrangements with an established financial institution to provide the capital necessary to commence and maintain his proposed schedule of operations.
- § 63.10 Maximum number of stock. The lease will indicate the maximum number of stock which may be grazed on the leased area, based on the condition of the range and its accessibility for summer and winter feeding. The manager may adjust the maximum number from time to time as the condition of the range may warrant.
- § 63.11 Annual rental, amount; adjustment; waiver (a) Unless otherwise provided, each lessee shall pay to the manager such rental per acre or per head, as may be determined to be a fair charge for the grazing of livestock on the leased land. The rental under any grazing lease may be adjusted every three years. The date for making tho annual payment will be specified in the lease. If the rental is to be paid according to the number of animals grazed, no charge will be made for the natural increase of grazing animals until the beginning of the following lease year.
- (b) The manager, if he determines such action to be in the public interest by

318 U.S. C. 1001 makes it a crime for any person knowingly and wilfully to make to any Department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

<sup>2</sup> It is unlawful for any person to graze any class of livestock on the public lands in grazing districts in Alaska, except under authority of a lease or permit granted under the act. Any person who wilfully grazes live-stock in such areas without such authority shall, upon conviction, be punished by a fine of not more than \$500. (Sec. 12, act of March 4, 1927; 48 U. S. C. 471k, and notice approved March 7, 1929.)

reason of (1) depletion or destruction of the range by any cause beyond the control of the lessee, or (2) calamity or disease causing wholesale destruction of or injury to livestock, may grant an extension of time for making payment, or reduce or waive the grazing fee under a lease so affected. An application for the desired relief should be filed with the manager and should state all pertinent details and itemize the losses sustained.

§ 63.12 Reduction in leased area, when area is excessive. Whenever, in the opinion of the manager, the leased land is excessive for the number of livestock to be grazed by the lessee, the manager may, after 30 days' notice to the lessee, reduce the lease area to the extent necessary, and the annual rental, if on an acreage basis, shall be reduced proportionately, effective at the beginning of the next lease year.

§ 63.13 Free grazing permits; leases to natives. (a) Any person may file application in duplicate on form 4-469 for a permit to graze, free of charge, not to exceed the number of livestock whose products are consumed or whose work is directly and exclusively used by the applicant or his family, for a term of not more than one year.

(b) Any native, or association of natives, may apply for a grazing lease on unleased public lands, and a lease may be issued to him or them as to other persons, except that no annual rental will be charged for such lease. The application must show, by a corroborated statement, that the applicant is an Eskimo or other native, or half-breed, or an association thereof, and entitled to such lease without charge. When an Eskimo or other native, through cooperative agreement, grazes his livestock without payment of annual rental on a lease held by other lessees, any grazing fee charged the lessee for such land on the basis of acreage will be reduced in proportion to the relative number of such native-owned livestock, as compared to the total number on the leasehold.

§ 63.14 Protests. Protests against an application for a lease should be filed in duplicate, with the manager, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest; and should be accompanied by evidence of service of a copy of the protest upon the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should be accompanied by an application for a grazing lease.

§ 63.15 Issuance of lease. If the application is complete and it is determined that a lease should be issued, the manager will prepare a proposed lease, with necessary copies, on form 4-470, for execution by the applicant. The forms, signed by the applicant, must be forwarded promptly to the manager, together with any required rental payment. The lease will be dated as of January 1 of the year in which it is issued, and the required rental for the

first year will be adjusted on a pro rata monthly basis to cover that portion of the year subsequent to the lease issuance.

§ 63.16 Report of grazing operations; assignments, renewals. (a) Before April 1 of the second lease year and each lease year thereafter, the lessee shall file with the manager a report, in duplicate, on form 4-470a, of his grazing operations during the preceding year.

(b) No part of the leased land may

(b) No part of the leased land may be subleased. Proposed assignments of a lease, in whole or in part, must be filed in duplicate with the manager within 90 days from the date of its execution. Such assignments must contain all of the terms and conditions agreed upon by the parties thereto, must be accompanied by the same showing by the assignce as to qualifications, stock development schedule and financial responsibility as is required of applicants for a lease, and by the assignce's statement agreeing to be bound by the provisions of the lease. No assignment shall be effective until approved by the manager.

(c) An application for renewal of a grazing lease should be filed not less than four months but not more than eight months before the expiration date of the lease term. The renewal lease, if issued, will contain such terms and conditions as the manager may determine.

§ 63.17 Stock driveways; crossing permits; quarantine regulations. (a) The manager may establish stock driveways for the regular crossing of livestock across public lands, in such form and manner as he may determine.

(b) A permit for the crossing of live-stock along a stock driveway or other public lands, including lands under grazing lease, may be issued free of charge, upon application filed with the manager at least 30 days prior to the date the crossing is to begin. The application must show the number of stock to be driven, date of starting, approximate period of time required, and the land to be traversed.

(c) Persons driving or transporting stock across any public lands must comply with the quarantine and other sanitary laws prescribed by the Territorial or other proper authorities.

§ 63.18 Rights reserved; public land laws applicable. (a) Grazing leases under §§ 63.1 to 63.22 shall be subordinated to and shall be subject to modification or reduction by the manager to the extent necessary to permit:

(1) The protection, development and utilization, under applicable laws and regulations, of the mineral, timber, water, and other resources or in the leased lands, including their use for agriculture.

(2) The allowance of applications for and the acquisition of homesites, easements, permits, leases, or other rights and uses, pursuant to applicable public land laws, where the same are in the public interest or will not unduly interfere with the use of the area for grazing purposes.

(3) The temporary closing of portions of the leased area to grazing whenever, because of improper handling of the stock, overgrazing, fire or other cause,

such action is deemed necessary to restore the range to its normal condition.

(b) No lessee may so enclose roads, trails or other highways as to disturb public travel thereon, nor interfere with existing communication lines or other improvements on the leased area; he shall not prevent legal hunting, fishing or trapping on the land, or the ingress of miners, mineral prospectors and other persons entitled to enter the area for lawful purposes.

§ 63.19 Termination of lease; cancellation. (a) A lease may be surrendered by the lessee upon prior written notice filed with the manager, effective upon the date indicated in such notice but no less than 30 days from the date of filing, provided the lessee has complied with the terms and conditions of the lease and has paid all charges due thereunder.

(b) A lease may be cancelled by the manager if the lease was issued improperly through error with respect to a material fact or facts, or if the lessee shall fail to comply with any of the provisions of the lease or of §§ 63.1 to 63.22. No lease will be cancelled for default in complying with the provisions of the lease or of §§ 63.1 to 63.22 until the lessee has been notified in writing of the nature of the default and has been afforded an opportunity to show why the lease should not be cancelled.

§ 63.20 Permits for construction and maintenance of improvements; fences. (a) Application for a permit to construct and maintain range improvements should be filed with the manager on form 4-1115, in duplicate. The lessee, upon obtaining a permit from the manager, may construct, maintain and utilize any fence, building, corral, reservoir, well, or other improvement needed for the exercise of the grazing privileges under the lease. The lessee will be required to comply with the laws of the Territory of Alaska with respect to the cost and maintenance of fences, but any such fence shall be constructed to permit the ingress and egress of miners, prospectors for minerals and other persons entitled to enter such area for lawful purposes.

§ 63.21 Remoral of improvements and other property. (a) Improvements, fixtures, or personal property (other than livestock) may not be removed from the lands unless all moneys due the United States under the lease have been paid.

(b) If all moneys due have been paid and the lessee, on or before the termination of his lease, for any reason, notifies the manager of his determination to leave on the land improvements, the construction or maintenance of which has been authorized, no other person shall use or occupy, under any permit, lease or entry under any public land law, the land on which such improvements are located, until there has been paid to the person entitled thereto the value of such improvements. If the interested parties are unable to reach an agreement as to such value, the amount may be fixed by the manager. All such agreaments, to be effective, must be approved by the manager. The failure of the subsequent permittee, lessee, or entryman to pay the former lessee in accordance with such agreement will be just cause for the cancellation of the permit, lease, or entry.

(c) In the absence of a notice by the lessee in accordance with paragraph (b) of this section, the lessee shall, within 90 days from the date of expiration or termination of the lease, and if all charges due thereunder have been paid, remove all personal property belonging to him, together with any fence, building, corral, or other removable range improvements owned by him. All such property which is not removed within the time allowed shall thereupon become the property of the United States.

§ 63.22 Appeals. An appeal may be taken from any decision of the manager, or the Area Administrator, to the Director, and from any decision of the Director to the Secretary, pursuant to the rules of practice (Part 221 of this chapter)

NOTE: The reporting requirement of these regulations has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Douglas McKay, Secretary of the Interior

SEPTEMBER 7, 1955.

[F R. Doc. 55-7359; Filed, Sept. 12, 1955; 8:51 a. m.]

[Circular No. 1930]

PART 70—MINERAL LANDS; COAL PERMITS AND LEASES AND LICENSES FOR FREE USE OF COAL

#### MISCELLANEOUS AMENDMENTS

New paragraphs (c) and (e) are added to §§ 70.11 and 70.15 respectively § 70.24 is amended; and the present text of § 70.28 is designated as paragraph (a) and a new paragraph (b) is added at the end thereof, to read as follows:

§ 70.11 Application for lease by competitive bidding. \* \* \*

(c) A filing fee of \$10, which will be retained as a service charge in any event, must.accompany each application.

§ 70.15 Modification and leasing of additional land or coal deposits; consolidation of leases of small areas. \* \* \*

(e) A filing fee of \$10, which will be retained as a service charge in any event, must accompany an application for modification of a lease under paragraph (a) or (b) of this section.

§ 70.24 Reward for discovery. A permittee who shows, that prior, to the expiration of his permit, the land included in the permit contains coal in commercial quantities, is entitled to a preference right lease for all or part of the land, the area to be taken in compact form. An application for preference right lease must be filed in duplicate in the office specified in § 70.11 (a) promptly after commencement of commercial operations, but in no event later than the expiration of the period to which the permit is limited. The application must describe the land desired, set forth fully and in detail the extent and mode of

occurrence of the coal deposits as disclosed by the prospecting work performed under the permit, show that coal was discovered in commercial quantities before the date of the expiration of the permit and show any change in the information contained in the application for permit. The application must be accompanied by the rental for the first year of the lease, which shall be 25 cents for each acre or fraction thereof. The lease, if issued will be in accordance with the provisions of §§ 70.8 to 70.10, inclusive, and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, unless otherwise specified therein. If the permit expires and the application for lease is finally rejected, royalty for coal mined to the date of receipt of notice by the permittee of such rejection will be charged in accordance with the royalty terms of the permit and such mining of the coal will not constitute a trespass.

\$70.26 Area and duration. \* \* \*
(b) An application for removal of a license must be accompanied by a filing fee of \$10, which will be returned as a service charge even though the application is later withdrawn or rejected.

(Sec. 17, 38 Stat. 745; 48 U.S. C. 451)

Douglas McKay, Secretary of the Interior

SEPTEMBER 7, 1955.

[F. R. Doc. 55-7360; Filed, Sept. 12, 1955; 8:51 a. m.]

Subchapter L—Mineral Lands
[Circular No. 1932]

PART 193—COAL PERMITS, LEASES AND LICENSES

#### MISCELLANEOUS AMENDMENTS

A new paragraph (c) is added to § 193.11, paragraph (a) of § 193.15 is amended, new paragraphs (d) and (c) are added to §§ 193.15 and 193.23, respectively § 193.24 is amended; and a new paragraph (c) is added to §§ 193.25 and 193.28, to read as follows:

§ 193.11 Application for lease. \* \* \*
(c) A filing fee of \$10, which will be retained as a service charge in any event, must accompany each application.

§ 193.15 Modification and leasing of additional land or coal deposits. (a) Under section 3 of the act (30 U.S.C. 203) a lessee may obtain a modification of his lease to include coal lands or coal deposits contiguous to those embraced in his lease if the authorized officer determines that it will be to the advantage of the lessee and the United States, but in no event shall the area embraced in such modified lease exceed in the aggregate 2,560 acres, except where the rule of approximation applies. The lessee shall file his application for modification in duplicate in the proper land office describing the additional lands desired, the needs and reasons for and the advantage to the lessee of such modification. Upon determination by the au-

thorized officer that the modification is justified and the interest of the United States is protected, the lease will be modified without competitive bidding to include such part of the land or deposits as he shall prescribe. If, however, it is determined that the additional lands or deposits can be developed as part of an independent operation or that there is a competitive interest in them, they may be offered as provided in § 193.13.

(d) A filing fee of \$10, which will be retained as a service charge in any event, must accompany an application for modification of a lease under paragraph (a) or (b) of this section.

§ 193.23 Extension of permits. • • • • (c) An application for extension of a permit must be accompanied by a filing fee of \$10, which will be retained as a service charge even though the application is later withdrawn or rejected.

§ 193.24 Reward for discovery. permittee who shows, that prior to the expiration of his permit, the land included in the permit contains coal in commercial quantities, is entitled to a preference right lease for all or part of the land, the area to be taken in a reasonably compact form. An application for preference right lease must be filed in duplicate in the office specified in § 193.11 promptly after commencement of commercial operations, but in no event later than the expiration of the period to which the permit is limited. The application must describe the land desired, set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit, show that coal was discovered in commercial quantities before the date of the expiration of the permit and show any change in the information contained in the application for permit. The application must be accompanied by the rental for the first year of the lease, which shall be twenty-five cents for each acre or fraction thereof. The lease, if issued, will be in accordance with the provisions of §§ 193.8 to 193.10, inclusive, and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, unless otherwise specified therein. If the permit expires and the application for lease is finally rejected royalty for coal mined to the date of receipt of notice by the permittee of such rejection will be charged in accordance with the royalty terms of the permit and such mining of the coal will not constitute a trespass.

§ 193.25 Transfers, including subleases. \* \* \*

(c) An application for approval of any instrument transferring a lease, or interest therein, must be accompanied by a service fee of \$10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

§ 193.28 Area and duration. \* \* \*
(c) An application for renewal of a license must be accompanied by a filing fee of \$10, which will be retained as a

service charge even though the application is later withdrawn or rejected.

(Sec. 32, 41 Stat. 450; 30 U.S. C. 189)

DOUGLAS MCKAY, Secretary of the Interior.

SEPTEMBER 7, 1955.

[F. R. Doc. 55-7362; Filed, Sept. 12, 1955; 8:51 a. m.]

[Circular No. 1931]

PART 195-SODIUM PERMITS AND LEASES: USE PERMITS

REWARD FOR DISCOVERY; USE PERMITS FOR ADDITIONAL LANDS

Sections 195.12 (a) and 195.26 (b) are amended to read as follows:

§ 195.12 Reward for discovery. (a) A permittee who discovers valuable sodium deposits in the land before the permit expires is entitled to a preference right lease of all or part of the lands in the permit, in a reasonably compact form as provided in § 195.3. An application for a preference right lease must be filed in duplicate in the appropriate land office not later than 30 days after the permit expires. The application must describe the lands desired, show any change in the information contained in the application for permit, specify fully the extent and mode of occurrence of the deposits as disclosed by the prospecting work, and show that valuable sodium deposits were discovered before the permit expired. The application should be accompanied by the rental for the first year of the lease, at the rate of 25 cents per acre or fraction thereof. The lease will be on Form 4-1134, and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, unless otherwise specified therein. If the permit expires and the application for lease is finally rejected, royalty for the deposits mined will be charged at the permit rate and such mining will not constitute a trespass.

§ 195.26 Use permits for additional lands. \* \* \*

(b) Applications for permits to use additional land shall be filed in the appropriate land office. A filing fee of \$10, which will be retained as a service charge in any event, must accompany each application. Such applications must state why the additional land is necessary, describe the land in accordance with § 195.17 (a) (2) and state whether it is unoccupied and nonmineral. The application must also contain an agreement to pay the annual charge prescribed in the permit. Use permits will be issued on Form 4-1135 and dated as of the first day of the month after its issuance unless the applicant requests that it be dated the first day of the month of issuance.

(Sec. 32, 41 Stat. 450; 30 U.S. C. 189)

DOUGLAS McKAY, Secretary of the Interior.

SEPTEMBER 7, 1955.

JF. R. Doc. 55-7361; Filed, Sept. 12, 1955; 8:51 a. m.1

Appendix C-Public Land Orders [Public Land Order 1211]

[Micc. 1768323]

NORTH DAKOTA

REVOKING EXECUTIVE ORDER NO. 8160 OF JUNE 12, 1939, WHICH ESTABLISHED LEGION LAKE LUGRATORY WATERFOWL REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 8160 of June 12, 1939, which reserved all lands owned or controlled by the United States within the following-described area in North Dakota for use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife, known as the Legion Lake Migratory Waterfowl Refuge, is hereby revoked: FIFTH PRINCIPAL MERIDIAN

T. 151 N., R. 91 W.,

Sec. 19; Sec. 30, lots 1, 2, NE¼, E½NW¼, and

T. 151 N., R. 92 W., Sec. 25, Elaneia.

The lands are acquired lands of the United States under the primary jurisdiction of the Department of the Army, and are not subject to the provisions of the act of September 27, 1944 (53 Stat. 747: 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and

ORME LEWIS,

Assistant Secretary of the Interior.

SEPTEMBER 6, 1955.

[P. R. Doc. 55-7337; Filed, Sept. 12, 1955; 8:45 a. m.]

### PROPOSED RULE MAKING

**Bureau of Customs** [ 19 CFR Part 31 ] [346.11]

CUSTOMHOUSE BROKERS

NOTICE OF PROPOSED RULE MAKING

In view of the order of the Secretary of the Treasury dated January 9, 1953 (31 CFR 14.1-14.5; 18 F. R. 225) by which the Committee on Practice and the Office of Attorney for the Government were abolished and the powers, functions, and duties theretofore exercised and performed by the Committee on Practice and the Attorney under Part 11 of Subtitle A of Title 31, Code of Federal Regulations (relating to customhouse brokers), were conferred upon and assigned to the Commissioner of Customs, notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U.S. C. 1003), that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Customs, Washington 25, D. C., within the period of 45 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held. The proposed regulations are to be issued under the authority of R. S. 161, 251, secs. 624, 641, 46 Stat. 759, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 1641,

The regulations are proposed to supersede the present regulations relating to customhouse brokers which are contained in §§ 11.1 to 11.14, inclusive, of Title 31, Code of Federal Regulations, and Department Circular 559 and supplements. Revision is proposed to be

DEPARTMENT OF THE TREASURY made of certain provisions in the interest of clarity and efficiency.

It is proposed that the Treasury decision promulgating the new regulations will read as set forth below.

D. B. STRUEINGER. Acting Commissioner of Customs.

Approved: September 6, 1955.

DAVID W. KENDALL, Acting Secretary of the Treasury.

By an order of the Secretary of the Treasury dated January 9, 1953 (31 CFR 14.1-14.5; 18 F. R. 225) the powers, functions, and duties theretofore exercised and performed by the Committee on Practice and the Attorney for the Government under Part 11 of Title 31, Code of Federal Regulations (relating to customhouse brokers) were conferred upon and assigned to the Commissioner of Customs.

In pursuance of that order, the Customs Regulations are amended by adding a new Part 31 reading as follows:

Sec. Scope of part. 31.1

Licenses for customhouse brokers re-31.2 quired.

Definitions.

Application for license; investigation 31.4 and examination.

Iccuance or denial of licence.

Other reprecentation by customhouse brokers. Licenses for more than one customs 31.7

district. 31.8 License, when not required.

31.9

Books and papers.
Other duties and obligations of cus-31.10 tembouse brokers.

Revocation or suspension of licenses. Cancelation of licenses. 31.12

Licenses issued under prior acts of 31.13 Congress.

Appeal from the Secretary's decision. 31.14 31.15 Records of the Commissioner.

Authorit: Sections 31.1 to 31.15 issued under R. S. 161, 251, cem. 624, 641, 46 Stat. 753, an amended; 5 U. S. C. 22, 19 U. S. C. 63, 1624, 1641.

§ 31.1 Scope of part. This part sets forth regulations providing for the licensing as customhouse brokers of persons, including individuals, corporations, partnerships, and associations, desiring to transact business as customhouse brokers, the procedure for applying for licenses, and the qualifications required of the applicants. The regulations also prescribe the duties and responsibilities of customhouse brokers, the grounds for revocation or suspension of the licenses, and the procedures for such revocation or suspension.

§ 31.2 Licenses for customhouse brokers required. (a) No person shall transact the business of a customhouse broker unless he has first been granted a license in accordance with the provisions of section 641, Tariff Act of 1930, as amended. A license to transact busi-

1 (a) Regulations for licensing. The Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships, and may require as a condition to the granting of any license, the showing of such facts as he may deem advisable as to the qualifications of the applicant to render valuable service to importers and exporters. No such license shall be granted to any corporation, association, or partnership unless licenses as customhouse brokers have been issued to at least two of the officers of such corporation or association, or two of the members of such partnership, and such licenses are in force. Any license granted to any such corporation, association, or partnership shall be deemed revoked if for any continuous period of more than sixty days after the issuance of such license there are not at least two officers of such corporation or association or two members of such partnership who are qualified to transact business as customhouse brokers. Except as provided in subdivision (c) of this section, no person shall transact business as a customhouse broker without a license granted in accordance with the provisions of this subdivision, but nothing in this section shall be construed to authorize the requiring of a license in the case of any person transacting at a customhouse business pertaining to his own importations.

(b) Revocation or suspension. The collector or chief officer of the customs may at any time, for good and sufficient reasons, serve notice in writing upon any custom-house broker so licensed to show cause why said license shall not be revoked or suspended, which notice shall be in the form of a statement specifically setting forth the ground of complaint. The collector or chief officer of customs shall within ten days thereafter notify the customhouse broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings, including the proof of the charges and the answer thereto, shall be presented, with the right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record of the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke or suspend the license of any customhouse broker shown to be incompetent, disreputable, or who has refused

ness as a customhouse broker may be granted by the Commissioner of Customs upon application submitted therefor, in accordance with the regulations in this part.

- (b) No representative of the Treasury Department shall recognize or deal with any person transacting the business of a customhouse broker, or any employee, officer, or agent thereof, unless such person is licensed as a customhouse broker in accordance with the provisions of this part.
- § 31.3 Definitions. When used in the regulations in this part, the following terms shall have the meanings respectively indicated:
- tively indicated:
  (a) "Customhouse broker" includes any person who, acting on behalf of others, transacts customs business not limited to a kind described in § 31.8.
- (b) "Treasury Department or any representative thereof" includes any division, branch, bureau, office, or unit of the Treasury Department, whether in Washington or in the field, and any officer or employee of any such division, branch, bureau, office or unit.
- (c) "Commissioner" means the Commissioner of Customs.
- (d) "Person" includes corporations, associations, and partnerships.
- (e) "Books and papers" includes all books, accounts, records, papers, documents, and correspondence of a customhouse broker relating to his customs business.

to comply with the rules and regulations issued under this section, or who has, with intent to defraud, in any manner willfully and knowingly deceived, misled, or threatened any importer, exporter, claimant, or client, or prospective importer, exporter, claimant, or cleint, by word, circular, letter or by advertisement.

An appeal may be taken by any licensed customhouse broker from any order of the Secretary of the Treasury suspending or revoking a license. Such appeal shall be taken by filing, in the circuit court of appeals of the United States within any circuit werein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, within sixty days after the entry of such order, a written petition praying that the order of the Secretary of the Treasury be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon the Secretary of the Treasury, or upon any officer designated by him for that purpose, and thereupon the Secretary of the Treasury shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript, such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Secretary of the Treasury shall be considered by the court unless such objection shall have been urged before the collector or chief officer of customs or unless there were reasonable grounds for failure so to do. The finding of the Secretary of the Treasury as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the Court for leave to adduce such additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the collector or chief officer of customs, the court may order such additional

- § 31.4 Application for license; investigation and examination—(a) Application to Commissioner A person desir-ing to engage in the business of a customhouse broker shall submit to tho collector of customs of the district in which the applicant intends to operate an application in duplicate, addressed to the Commissioner, stating his qualifications for a license. The application shall be under oath and executed on customs Form 3123 (individual), customs Form 3125 (partnership), customs Form 3127 (corporation), or customs Form 3129 (association) whichever is appropriate. If the applicant is an individual who proposes to operate under a trade or fictitious name, evidence of the applicant's authority so to conduct business must accompany his application.
- (b) Posting application. As soon as possible after an application has been filed, the collector of customs shall cause to be posted conspicuously in the customhouse at the headquarters port for the district and at the port where the applicant proposes to maintain his principal office the name and address of the applicant and, if the applicant is a corporation, an association, or a partnership, the names of the licensed officers or members thereof.
- (e) Examination of applicant. The collector of customs shall notify the applicant, if an individual, to appear before a committee of examiners at a specified

evidence to be taken before the collector or chief officer of customs and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary of the Treasury may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which, if superted by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Secretary of the Treaury shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254, title 28 of the United States Code. The commencement of proceedings under this subsection shall, unless specifically ordered by the court, operate as a stay of the Secretary of the Treasury's order.

(c) Prior licenses. Licenses issued under the Act of June 10, 1910 (38 Stat. 454; U.S. C., title 19, sec. 415), or under the provisions of subdivision (a) of this section prior to the effective date of this amendment, shall continue in force and effect, subject to suspension and revocation as provided in subdivision (b) of this section.

(d) Regulations by Secretary. The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section, including rules and regulations requiring the keeping of books, accounts, and records by customhouse brokers, and the inspection thereof, and of their papers, documents, and correspondence by, and the furnishing by them of information relating to their business to, any duly accredited agent of the United States." (Tariff Act of 1930, sec. 641, as amended; 19 U. S. C. 1641.)

time and place in the customs district in which the applicant proposes to do business. The committee of examiners shall consist of not less than three nor more than five members designated as such by the Commissioner.

(d) Purpose of examination. The examination shall have for its purpose a determination of the applicant's knowledge of customs and related law and procedure and his fitness to render valuable service to importers and exporters. The Commissioner may from time to time furnish lists of suggestions for the guidance of committees of examiners in conducting such examinations. The examination may, at the option of the committee, be oral or written, but if oral shall be stenographically reported and transcribed, and in either case shall be transmitted forthwith to the collector of customs, with the report and recommendation of the committee of examiners.

(e) Investigation of applicant. (1) Individual: Upon the applicants' obtaining a satisfactory grade on the examination, his application shall be referred by the collector of customs to the supervising customs agent in charge of the district for investigation, report, and recommendation.

(2) Corporation, association, or partnership: Each application shall be referred by the collector of customs to the supervising customs agent in charge of the district for investigation, report, and recommendation.

- (3) The investigation shall seek information relevant to the question whether the application should be granted and shall cover, but need not be limited to, (i) the correctness of the statements made in the application, (ii) the business integrity of the applicant, and (iii) when the applicant is an individual (including an officer of a corporation or association or a member of a partnership) the character and reputation of the applicant.
- (4) The investigating agent shall return the application with his report and recommendation to the collector of customs who requested it. The collector shall forward them to the Commissioner, accompanied by the report and recommendation of the committee of examiners, if any. If he so desires, the collector may also submit his independent recommendation.
- (f) Additional investigation or examination. The Commissioner shall endeavor to ascertain, without undue expense or inconvenience to the applicant, all facts deemed necessary to pass upon the application, and may require additional investigation to be conducted. In the event, however, that the Commissioner is not satisfied by the information received, he may require the applicant (or, in the case of a corporation, association, or partnership, one or more of its officers or members) to appear in person before the Commissioner or before one or more representatives of the Commissioner, for the purpose of undergoing additional written or oral examination into the applicant's qualifications for a license.
- § 31.5 Issuance or denial of license.
  (a) Issuance if applicant qualified: If he

finds that the applicant is qualified, the Commissioner will issue a license in such standard form as he shall have prescribed. The license shall be forwarded to the appropriate collector, who shall deliver it to the licensee after (1) making a record thereof in a roster of licensed brokers which shall be maintained in the customhouse in such manner that it will be readily accessible to the proper customs officers and employees, and (2) collecting the fee provided for in § 24.12 of this chapter for the issuance of the license. The license for an individual who is an officer of a corporation or association or a member of a partnership will be issued in the name of the individual licensee, and not in his capacity as officer or member of the organization with which he is connected.

(b) Denial of license: (1) If the applicant fails to obtain a satisfactory grade on the examination, notice of denial shall be given by the collector to the applicant.

(2) At the request of the applicant, the Commissioner may allow a further opportunity to the applicant to present information or arguments in support of his application either by personal appearance or in writing, or both, in the discretion of the Commissioner.

(3) If the Commissioner determines that the application for license should be denied for any reason, notice of denial shall be given by the Commissioner to the applicant and to the collector of the district in which the applicant proposed to do business.

(c) Grounds for denial of license. The causes sufficient to justify denial of an application for a license shall include, but shall not be limited to. (1) any cause which would justify suspension or revocation of the license of a licensed customhouse broker under the provisions of § 31.11; (2) a failure to establish the business integrity and character of the applicant; (3) any gross misstatement of pertinent facts in the application: (4) any conduct which would be deemed grossly unfair in commercial transactions by accepted standards; (5) a bad reputation imputing to an applicant conduct of any of the foregoing types or of a criminal, dishonest, or unethical kind; (6) the minority of the applicant; or (7) a failure to establish sufficient knowledge by the applicant of customs and related law and procedure and fitness to render valuable service to importers and exporters. In the case of a corporation, association, or partnership, the application will be denied by the Commissioner unless it appears that the officers or members who are licensed customhouse brokers are to exercise responsible supervision and control of the transaction of the customs business of such corporation, association, or partnership. An individual who is unable for any reason to take the oath of allegiance and to support the Constitution of the United States shall not be licensed. An alien undergoing naturalization is ineligible to receive a license until he has received his final naturalization certificate. An officer or employee of the United States is ineligible to receive a license.

(d) A decision of the Commissioner denying a license, upon the written request of the applicant, will be submitted to the Secretary of the Treasury for such review as the Secretary shall deem appropriate.

§ 31.6 Other representation by cusomthouse brokers. A custom house broker requires no further license or enrollment for the representation, within the customs districts in which he is licensed or at the seat of the Government, of any person for whom he has acted as customhouse broker in respect of any matters relating specifically to the importation or exportation of merchandise under customs or internal-revenue laws.

§ 31.7 Licenses for more than one customs district. Separate licenses shall be required if the licensee desires to transact customs business in more than one customs district. However, a licensee having a license in force in one district may on application to the Commissioner be granted a license to transact business in another district without further examination, provided it appears on investigation that the licensee is prepared and qualified to render efficient service in such other district. Licenses may be granted to partnerships with two licensed members, and to corporations and associations with two licensed officers, whether or not such members or officers are licensed in the district for which the partnership, corporation, or association license is granted.

- § 31.8 License, when not required—
  (a) Dealing for one's own account. An importer or exporter transacting customs business solely on his own account and in no sense on behalf of another is not required to be licensed, nor are his authorized regular employees or officers who act only for him in the transaction of such business.
- (b) Transportation in bond by common carrier. A common carrier transporting merchandise for another may make entry for such merchandise for transportation in bond without being licensed as a customhouse broker.
- (c) Agents employed by one or more vessels. A resident agent employed by one or more vessels or lines of vessels is not required to be licensed as a custom-house broker in order merely to enter or clear vessels consigned to him by a principal. Proof of the agency must be filed with the collector.
- (d) Employees of licensed brokers. An employee of a customhouse broker is not required to be licensed in order to act solely for his employer, but in order that such employee may sign customs documents on behalf of his employer the broker must file with the collector a power of attorney for that purpose. Each broker shall file with the collector at each port where the business is to be transacted an authorization specifically naming each employee who may properly act for him. A broker must promptly give notice of any change in the authority of any such employee and must exercise such supervision of his employees as will insure proper conduct on the part of the employees in the transaction of customs business. Each broker will be held strictly responsible for the acts or

omissions of his employees within the scope of their employment, and for acts or omissions of such employees which, in the exercise of reasonable care and dilgence, the broker should have foreseen. Every attorney in fact acting for a customhouse broker must be a resident of the United States.

§ 31.9 Books and papers.<sup>2</sup> (a) Each customhouse broker shall maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all his financial transactions as a customhouse broker. He shall keep and maintain on file a copy of each entry made by him, and copies of all his correspondence and other papers relating to his customs business.

(b) Except as provided for in paragraph (c) of this section, each customhouse broker shall keep on customs Form 3079 (Record of Transactions of Licensed Customhouse Broker) in accordance with the instructions printed thereon, records of all customs business transacted by him in behalf of his clients. If a transaction has been handled only in part by the broker, he need fill in only the appropriate part of his customs Form 3079. Records on customs Form 3079 shall be in addition to, and not in lieu of, the regular records of account required by paragraph (a) of this section to be kept and maintained.

(c) If the data prescribed to be recorded on customs Form 3079 are disclosed in other records regularly kept and maintained by a customhouse broked in a systematic, convenient, andreadily available form which will permit an effective inspection thereof by duly accredited agents of the United States, such broker may, by notice in writing from the collector for the district, be exempted from the requirements of paragraph (b) of this section. Such notice of exemption shall be issued only if (1) a broker makes written application therefor to the collector, setting forth the facts as to the records he keeps and agreeing that if the exemption is granted he will not change his system of records or his manner of keeping and maintaining them without notification to and prior approval by the said collector and (2) the collector and the supervising customs agent for the district are satisfied that the records are and will be kept and maintained by the broker in conformity with the conditions above stated.

(d) Whenever it shall appear to the satisfaction of the collector, upon investigation by a duly accredited agent of the United States, that a broker to whom an exemption has been granted as provided for in paragraph (c) of this section is not keeping and maintaining records in conformity with the requirements of the said paragraph (c) the exemption of such broker shall be revoked by notice in writing from the collector, and such broker shall thereafter keep and maintain records on customs Form 3079 as above stated.

(e) All the books and papers required by the foregoing provisions of this section shall be kept on file for at least 5 years and maintained in such manner

that they may readily be examined. Any or all such books and papers shall be made available to duly accredited agents of the United States on demand therefor within 5 years after their preparation or receipt by the broker, or within any longer period of time during which they remain in the possession of the broker. Each customhouse broker shall advise the Commissioner and the collector at the headquarters port in each district in which his license is held of each change of his business address. The broker shall also furnish such additional information regarding his activities as a customhouse broker as such agents may require.

(f) The supervising customs agent in charge of the agency district, or a customs agent designated by him, shall make such inspection of the books and papers required by this part to be kept and maintained by a customhouse broker as may be necessary to enable the supervising customs agent, the collector of customs, and other proper officials of the Treasury Department to determine whether or not the broker is complying with the requirements of this section. Furthermore, the supervising customs agent, or any duly accredited agent of the United States designated by him. may at any time, for the purpose of protecting importers or the revenue of the United States, inspect such books and papers to obtain information regarding specific customs transactions.

(g) The agent making any investigation contemplated by paragraph (f) of this section shall report his findings in full to the Commissioner and the collector.

§ 31.10 Other duties and obligations of customhouse brokers. (a) No customhouse broker shall permit his license or his name to be used by or for any unlicensed person, or by or for any broker whose license is under suspension, in the solicitation, promotion, or performance of any customs business or transaction.

(b) (1) No customhouse broker shall accept or retain employment from or with an unlicensed employer to transact customs business for others than the employer in such manner that the fees or other benefits resulting from the services rendered by the broker for others mure to the benefit of the unlicensed employer, except that a customhouse broker may compensate a freight forwarder for services rendered in obtaining brokerage business, provided that—

(i) The importer shall be notified in advance by the forwarder or broker of the name of the customhouse broker selected by the forwarder for the handling of his customs transactions:

(ii) If the fees and charges for such brokerage services are to be collected by or through the forwarder, the customhouse broker shall transmit directly to the importer a true copy of his bill of charges as rendered to the forwarder:

(iii) No part of the agreement of compensation between the customhouse broker and the forwarder, nor any action taken pursuant thereto, shall forbid or prevent direct communication between the importer and the customhouse broker; and (iv) In making such agreement and in all actions taken pursuant thereto, the customhouse broker shall be subject to all other provisions of these regulations and any amendments thereto.

(2) Where a customhouse broker is employed for the transaction of customs business by an unilcensed employer who is not the actual importer, a copy of the statement of charges made by the customhouse broker must be transmitted to the actual importer by the customhouse

broker. (c) No customhouse broker shall knowingly and directly or indirectly (1) accept employment to effect a customs transaction as associate, correspondent, officer, employee, agent, or subagent from any person whose application for a license as a customhouse broker shall at any time have been denied for a cause involving moral turpitude, or whose license shall have been revoked for any cause, or whose license is under suspension, or who is notoriously disreputable, or (2) assist the furtherance of any customs business or transaction of such person, or (3) employ, or accept such assistance from, any such person, or (4) share fees with any such person, or (5) permit any such person directly or indirectly to participate, whether through ownership or otherwise. in the promotion, control, or direction of the business of the broker: Provided, That nothing herein shall be deemed to prohibit any customhouse broker from acting as a customhouse broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have been denied a license as a customhouse broker or had his license revoked or suspended, or may be disreputable.

(d) No customhouse broker shall act in behalf of any person, or attempt to represent any person, in respect of any protest or appeal for reappraisement, unless he shall previously have been specifically or generally authorized to do so by such person.

(e) No customhouse broker shall knowingly use false or misleading representations to procure employment in any customs matter, nor shall he represent to a client or prospective client that he can obtain extraordinary favors from the Treasury Department or any representative thereof.

(f) No customhouse broker shall represent a client before the Treasury Department or any representative thereof m any matter to which the broker, as officer or employee, gave personal consideration, or as to the facts of which he gained knowledge, while in the Government service.

(g) No customhouse broker shall knowingly (1) assist a person who has been employed by a client in a matter pending before the Treasury Department or any representative thereof to which matter such person gave personal consideration or gained personal knowledge of the facts or issues thereof while in the Government service, or (2) accept assistance in any such matter from any such person, or (3) share fees in any such matter with any such person.

(h) No customhouse broker shall suggest to a client or a prospective client a plan known to be illegal for evading pay-

<sup>&</sup>lt;sup>2</sup> See section 641 (d) in footnote 1.

ment of any duty, tax, or other debt or obligation owing to the Government.

- (i) Each customhouse broker who knows that a client has not complied with the law or has made any error in, or omission from, any document, affidavit, or other paper which the law requires such client to execute shall advise his client promptly of the fact of such noncompliance, error, or omission.
- (j) Each customhouse broker shall exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any customs business; and no customhouse broker shall knowingly impart to a client false information relative to any such business when such false information is or might be detrimental to the interests of the Government, the client, or any other person.
- (k) No customhouse broker shall withhold information relative to any customs business from a client who is entitled to the information.
- (1) Each customhouse broker shall promptly pay over to the Government when due all sums received for the payment of any duty, tax, or other debt or obligation owing to the Government, and shall promptly account to clients for funds received for them from the Government, or received from a client in excess of the governmental or other charges properly payable in respect of the client's customs business.
- (m) No customhouse broker shall endorse or accept without authority of his client any Government draft, check, or warrant drawn to the order of such client.
- (n) No customhouse broker who has recommended to his client an attorney shall demand of, or accept from, such attorney any fee or remuneration by reason of such recommendation without the knowledge and consent of the client.
- (0) No customhouse broker shall file or procure or assist in the filing of any claim, or of any document, affidavit, or other paper, known by such broker to be false, nor shall knowingly give, or solicit or procure the giving of, any false or misleading information or testimony in any matter pending before the Treasury Department or any representative thereof.
- (p) Each customhouse broker shall exercise due diligence in answering correspondence, in making financial settlements, and in preparing, or assisting in the preparation and filing of, documents relating to any matter handled by him as a customhouse broker.
- (q) No customhouse broker shall procure, or attempt to procure, directly or indirectly, information from Government records or other Government sources of any kind to which access is not granted by proper authority.
- (r) No customhouse broker shall attempt to influence the conduct of any representative of the Treasury Department in any matter pending before the Treasury Department or any representative thereof by the use of a threat, false accusation, duress, or the offer of any special inducement or promise of advantage, or by bestowing any gift or favor or other thing of value.

- (s) No customhouse broker shall refuse access to, conceal, remove, or destroy the whole or any part of any book, paper, or other record, relating to his transactions as a customhouse broker, which is being sought, or which the broker has reasonable grounds to believe may be sought, by the Treasury Department or any representative thereof, or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by such Department or representative to procure such information.
- (t) Every licensed officer or member of a corporation, association, or partnership, which is licensed as a customhouse broker, shall exercise responsible supervision and control over the transaction of the customhouse business of such corporation, association, or partnership.
- (u) A customhouse broker who is authorized by State law to transact business under a fictitious or trade name, and who proposes to so operate, shall submit evidence of his authority so to do and receive the approval of the Commissioner before he uses such name, and, when signing customs documents, shall affix his own name in conjunction with each signature of the fictitious or trade name.
- § 31.11 Revocation or suspension of (a) Failure or refusal to licenses. comply with the duties, obligations, or requirements specified in § 31.10 or elsewhere in this part relating to customhouse brokers may be deemed grounds for suspension or revocation of the license of a customhouse broker, but such duties, obligations, or requirements are not to be considered as exclusive, as conduct not within the purview of any specification of this part may be deemed to be conduct warranting the suspension or revocation of a license under the authority of section 641 (b), Tariff Act of 1930, as amended.
- (b) A proceeding for the revocation or suspension of a customhouse broker's license shall be governed by the following rules, subject to the Tariff Act of 1930, as amended, and the Administrative Procedure Act (5 U. S. C. 1001–1011)
- (1) Inability of collector to act. In the case of sickness or necessary absence of the collector which prevents him from acting as provided for in this section, the assistant collector shall be deemed the chief officer of the customs referred to in amended section 641 (b) Tariff Act of 1930, and shall perform the duties of the collector prescribed in this section.
- (2) Investigation. Every complaint or charge against any customhouse broker filed with a collector or other customs officer shall forthwith be forwarded for investigation to the supervising customs agent in charge of the district in which the broker is located. The supervising customs agent shall make his report and transmit it, with recommendation, to the collector of the appropriate district for such action as may be necessary, and shall also transmit a copy thereof to the Commissioner.
- (3) Abatement of charges. If the collector determines that there is not suf-
- \* See the first paragraph of section 641 (b) in footnote 1.

ficient evidence to prefer charges, he shall report all the facts to the Commissioner.

- (4) Institution of proceedings. If the collector determines that there is sufficient evidence to prefer charges, he chall institute and conduct, subject to the applicable provisions of this section, a proceeding pursuant to amended section 641 (b) Tariff Act of 1930.
- (5) Drafting of notice. The collector may request the Commissioner to assist in the preparation of the statement of charges to be served upon the accused broker. If the statement is prepared in the field, it shall be submitted to the Commissioner for review before being made the basis of action.
- (6) Opportunity to avoid proceeding. The collector, before a proceeding is incitivated, shall give to the accused broker a preliminary notice in writing that:
- (i) Transmits a copy of the proposed statement of charges, or a specification of the substance thereof;
- (ii) Cites sections 5 (b) and 9 (b) of the Administrative Procedure Act (5 U. S. C. 1004 (b) and 1008 (b)).
- (iii) Calls upon the accused broker to show cause, if he so desires, why the proceeding should not be instituted;
- (iv) Informs the accused broker that the notice affords him opportunity to make submissions and demonstrations of the character contemplated by the cited statutory provisions;
- (v) Invites any negotiations that the accused broker deems it desirable to enter into; and
- (vi) Specifies a reasonable time for response to that notice: Provided, That, if prior to service of the statement of charges, the collector determines that the case is one where such preliminary notice would be improper and unnecessary, he shall incorporate his findings and his reasons therefor in the statement of charges, and the statement of charges shall be served without first giving such preliminary notice.
- (7) Service of statement of charges. Notice of the charges, signed by the collector, shall be served upon the accused customhouse broker in the following manner:
  - (i) If an individual:
- (a) by delivery to the accused broker personally, or
- (b) by registered mail, with demand for a return card signed solely by the addressee.
- (ii) If a corporation, association, or partnership:
- (a) by delivery to any officer of such corporation or association, or member of such partnership, or
- (b) by registered mail addressed to any such officer or member, with demand for a return card signed solely by the addressee: Provided, That, if a custom-house broker shall have signed and filed with the Commissioner his written consent to be served in some other manner, it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service.
- (8) Content of statement of charges. The notice of charges shall state the

place where and time within which the accused may file in duplicate his verified answer, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the collector, giving a plain and concise, but not necessarily detailed, description of the facts which it is claimed constitute grounds for suspension or revocation of license. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute grounds for suspension or revocation of license may be alleged in the statement of charges in a single count in the alternative. If, in order to prepare his defense, the accused desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the collector asking that the statement or charges be made more specific, setting forth m such motion m what specific respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the collector such information is reasonably necessary to enable the accused to prepare his defense, the collector shall furnish the accused with an amended statement of charges giving the needed information.

(9) Service of other papers. After notice of the charges has been duly served, all other papers in the case, including notice of the time and place of the hearing, shall be served by

(i) Delivering the same to the accused personally if an individual; or if a corporation, association, or partnership, to any officer or member thereof; or

(ii) Leaving them at the office of the accused, or of such officer or member, with his clerk or with a person in charge thereof; or

(iii) Depositing them in a United States post office or post-office box, enclosed in a sealed envelope, plainly addressed to such accused, or to such member or officer, at the address under which the accused is licensed or at the last know address of the accused, or such member or officer.

(iv) When the accused, whether an individual, corporation, association, or partnership, is represented by an attorney, by service upon the attorney in the manner provided for in subdivision (i) (ii) or (iii) of this subparagraph for service on the accused personally.

(10) Copies filed with Commissioner Copies of all papers in the case, including the notice of charges, and each notice of the time and place of any hearing, shall be sent promptly by the collector to the Commissioner.

(11) Hearing. The hearing shall be before the collector or other chief officer of the customs, who shall provide a competent shorthand reporter to make the record of the hearing. If a competent

shorthand reporter is not available to the collector, he shall request the Commissioner to furnish one for the hearing or to permit the use of available appropriated funds to hire the services of a reporter. The Commissioner designate an officer to represent the Government at the hearing and to participate in the presentation of testimony. The collector may designate a member of his staff to assist in the proceedings. The accused or his attorney shall have the right to examine all exhibits introduced at the hearing. Pursuant to order of the collector giving due notice to the parties, depositions upon oral or written interrogatories may be taken by either party for use at the hearing before any officer duly authorized to administer oaths for general purposes or in customs matters.

(12) Submittals. After conclusion of the reception of the evidence, the collector shall by rule afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor as contemplated by section 8 (b) of the Administrative Procedure Act (5 U. S. C. 1007 (b))

(13) Decision by the collector compliance with subparagraph (12) of this paragraph the collector shall make his recommended decision in the case and certify the entire record to the Secretary of the Treasury. The collector shall recommend to the Secretary the dismissal of the charges when in his opinion the charges have not been proved. The collector shall recommend to the Secretary that the license be suspended or revoked if in the opinion of the collector such action is warranted by the record. The collector's decision shall conform with the requirements of section 8 of the Administrative Procedure Act (5 U. S. C. 1007)

(14) Decision by Secretary of the Treasury. Upon receipt of the record, the Secretary of the Treasury will afford the parties a reasonable opportunity to make such additional submittals as may then be required by section 8 (b) of the Administrative Procedure Act (5 U. S. C. 1007 (b)) and by the circumstances of the case. Thereafter the Secretary will make his decision.

(15) Dismissal subject to new proceedings. If the evidence at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, the Secretary may instruct the collector to file appropriate charges as a basis for new proceedings.

(16) Immaterial mistakes. The deciding officer shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place, or the ownership of any property, a failure to prove immaterial allegations in the description of the accused's conduct, or any other immaterial mistake in the statement of charges.

(17) Proof partial. If the deciding officer finds that a part of the charges in the statement of charges is not sufficiently proved but that the residue thereof is so proved, he may base his decision on any facts established by the evidence which are grounds for suspension or revocation of the license and which are

substantially charged by the said residue of the statement of charges.

(18) Default. No decision by default shall be made against an accused broker except upon evidence submitted on bahalf of the Government.

(19) Notice of suspension or revocation. If the Secretary of the Treasury in the exercise of his discretion issues his order of suspension or revocation of the license of the accused, notice thereof shall be given by the Commissioner to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Commissioner may determine. Except as provided for on appeal pursuant to section 641 (b) Tariff Act of 1930, as amended, such person will not thereafter be recognized as a customhouse broker during the period of suspension or revocation of his license.

(20) Reopening. Any custombouse broker who has been suspended or whose license has been revoked may make written application to the collector to have the order of suspension or revocation set aside or modified upon the ground (1) of newly discovered evidence, or (ii) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every such application shall be filed with the collector in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the collector after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, he shall so recommend to the Secretary, who may order the taking of additional testimony before the collector. The collector shall set a time and place for such hearing, and give due notice thereof to the applicant. The procedures governing the hearing and decision will be the same as those governing the original proceeding.

(21) Notice of reinstatement. In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or revocation, notice thereof shall be given to all those to whom notice of the original order of suspension or revocation was sent.

(22) Saving provision. Any proceeding for revocation or suspension of a license instituted prior to the effective date of this section shall be governed by the provisions of 31 CFR 11.10 in force at the time the proceeding was instituted: Provided, however, That if in the course of the proceeding there is taken any action that is authorized by the provisions of 31 CFR 11.10 governing the proceedings, but is not authorized by this section or any intervening amendment of 31 CFR 11.10, said action shall not constitute grounds for disturbing any order thereafter made in the proceeding, unless (i) it is shown that the action was in derogation of substantive rights and not merely porcedural rights; and (ii) upon occurrence of the action the respondent made timely objection supported by his reasons and the objection

was overruled: *Provided further* That adherence may be had to this section pursuant to stipulation of the parties.

§ 31.12 Cancellation of licenses. (a) Any corporation, association, or partnership which is licensed as a customhouse broker shall immediately notify the collector of each district in which it is licensed to transact business in the event it ceases to have at least two officers or members who are licensed individually as customhouse brokers and who exercise responsible supervision and control of the transaction of the customs business of the licensed organization. Collectors shall report to the Commissioner all cases wherein the required number of officers or members of any licensed corporation, association, or partnership have ceased to be qualified as customhouse brokers and the deficiency has continued for more than 60 days. The Commissioner, in such cases, will notify the corporation, association, or partnership that its license has been revoked in accordance with the requirement of section 641 (a) Tariff Act of 1930, as amended. A copy of such notice shall be sent by the Commissioner to the collector.

(b) A customhouse broker's license may be canceled upon written application to the Commissioner and surrender of the license certificate, but before granting the request, inquiry shall be made by the Commissioner to ascertain whether it has been made in order to evade proceedings for revocation or suspension of the license, in which event the request shall be denied, unless the Secretary of the Treasury shall otherwise order.

§ 31.13 Licenses usued under prior acts of Congress. Licenses usued under prior acts of Congress shall continue in force and effect in accordance with the provisions of section 641 (c) Tariff Act of 1930, as amended.<sup>5</sup>

§ 31.14 Appeal from the Secretary's decision. An appeal from any order of the Secretary of the Treasury suspending or revoking a license may be taken by any customhouse broker in accordance with the provisions of section 641 (b), Tariff Act of 1930, as amended.

§ 31.15 Records of the Commissioner—
(a) Maintenance. The Commissioner will keep such rosters and other records as may be necessary to perform his functions under this part.

(b) Availability. (1) The Commissioner, on request, will furnish information to any person as to whether any specified person is a customhouse broker.

(2) There are available to public inspection at the office of the Commissioner:

(i) The roster of all persons licensed as customhouse brokers pursuant to amended section 641, Tariff Act of 1930.

(ii) The final opinion or order in the adjudication of any case in which revocation of any license was sought, pro-

No. 178---4

vided the licensee (or former licensee) expressly consents to publication.

(3) Matters of official record pertain-

(3) Matters of official record pertaining to the licensing of customhouse brokers, to persons properly and directly concerned.

(4) The official records pertaining to the revocation (or the proposed revocation) of any license, and to the investigation of any applicant therefore, constitute confidential information, except as provided for in subparagraphs (2) and (3) of this paragraph. These records are held confidential for these good causes:

(1) Publication is capable of injuring a licensee or former licensee without furthering the public interest.

(2) Much of the information is elicited without the aid of the subpoena power on the assurance that the sources will be protected.

Treasury Department Circular 559 (1 F. R. 249) and supplements (6 F. R. 5428, 13 F. R. 3937) and §§ 11.1 to 11.14, inclusive, Title 31, Code of Faderal Regulations, are superseded, except as indicated in § 31.11 (b) (22) above, by the foregoing.

[F. R. Doc. 55-7372; Filed, Sept. 12, 1955; 8:53 a. m.]

#### Internal Revenue Service I 26 CFR (1954) Part 1 1

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953; PARTNERSHIPS

NOTICE OF EXTENSION OF TIME

The proposed regulations under subchapter K of chapter 1 of the Internal Revenue Code of 1954 were published with a notice of proposed rule making in the Federal Register for Friday, August 12, 1955. This notice provided that consideration would be given to any data, views, or arguments pertaining thereto which were submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P Washington 25, D. C., within the period of 30 days from the date of publication in the Federal Register.

Notice is hereby given that the 30-day period previously allowed is extended, and consideration will be given to any data, views, or arguments pertaining to these proposed regulations that are submitted by Monday, October 3, 1955.

[SEAL]

O. Gordon Dzlk, Acting Commissioner of Internal Revenue.

[F. R. Doc. 55-7415; Filed, Sept. 9, 1955; 4:36 p. m.]

# Office of the Secretary [31 CFR Part 11]

CUSTOMHOUSE BROKERS

CROSS REFERENCE: For proposed supersedure of regulations relating to customhouse brokers, see Bureau of Customs document, F. R. Doc. 7372, supra.

#### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

17 CFR Part 26 1

GRAIN STANDARDS

Inspector not to be interested in grain; qualifications of sampler

Notice is hereby given in accordance with Section 4 (a) of the Administrative Procedure Act (5 U.S. C. 1003 (a)) that consideration is being given to amending §§ 26.23 and 26.24 of the Regulations of the Secretary of Agriculture issued pursuant to the authority of Section 8 of the United States Grain Standards Act, as amended (7 CFR 26.23, 26.24, 7 U.S. C. 84) to read:

§ 26.23 Inspector not to be interested in grain. No licensed inspector shall be interested, financially or otherwise, directly or indirectly, in any grain elevator or warehouse, or in the merchandising of grain, including the binning, mixing, blending, drying, or other preparation of grain for purposes of warehousing, storage, shipment, or otherwise, nor shall he be in the employment of any person or corporation owning or operating a grain elevator or warehouse, nor shall he issue a certificate of grace for any grain in which he is directly or indirectly financially interested.

Qualifications of sampler. No licensed inspector shall issue a certificate of grade for a lot or parcel of grain based upon a sample thereof drawn by a sampler who is not employed by him or his inspection department, or who is not an employee of the United States Dapartment of Agriculture approved for the purpose by a grain supervisor, or who is interested, financially or otherwise, directly or indirectly, in the gram involved or in any grain elevator or warehouse or in the merchandising of grain, including the binning, mixing, blending, drying, or other preparation of grain for purposes of warehousing, storage, shipment, or otherwise, or who is in the employment of any person or corporation owning or operating a grain elevator or warehouse, or who the licensed inspector knows or has reason to believe is incompetent.

The purpose of these amenaments is to amplify and clarify §§ 26.23 and 26.24 of the regulations which will aid in the administration of the provisions of Section 7 of the Act with respect to activities of licenced inspectors, and persons who draw samples for them, in connection with grain handling and merchandising operations.

Any percon who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filling them with the Director of the Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the Ferenal Register.

<sup>\*</sup>See the third sentence of section 641 (a) in footnote 1.

<sup>\*</sup> See section 641 (c) in footnote 1.

<sup>\*</sup>See the second paragraph of section 641 (b) in footnote 1.

day of September 1955.

ORIS V WELLS, Administrator Agricultural Marketing Service.

[F. R. Doc. 55-7347; Filed, Sept. 12, 1955; 8:48 a. m.1

#### [ 7 CFR Part 905 ]

HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MAR-KETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Oklahoma City, Oklahoma, on March 31-April 1, 1955, pursuant to notice thereof which was issued on March 22, 1955 (20 F R. 1827)

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on July 19, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision which included notice of opportunity to file written exceptions thereto. This decision was published in the FEDERAL REGISTER on July 22, 1955 (20 F R. 5259)

The material issues, findings and conclusions, and general findings of the recommended decision (20 F. R. 5259: Doc. 55-5965) are hereby adopted by this decision as if set forth in full herein.

Ruling on exceptions. Within the period reserved for the filing of exceptions to the recommended decision, there were no exceptions received.

Determination of representative period. The month of April 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the conclusions. These docuforegoing ments shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to

Done at Washington, D. C., this 8th formulate marketing agreements and orders have been met.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 7th day of September 1955.

EARL L. BUTZ, Acting Secretary.

Order 1 the Order. Amending Amended, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area

§ 905.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma, City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons

in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as

1. Delete § 905.7 and substitute therefor the following:

§ 905.7 Approved plant. "Approved plant" means:

(a) A milk plant approved by a municipal or state health authority having jurisdiction in the marketing area for the handling of Grade A milk or milk products and from which Class I milk is disposed of en route(s) in the marketing area:

(b) A milk plant which is supplying Class I milk to a Federal installation or

base in the marketing area, or

(c) A milk plant approved by a municipal health authority having jurisdiction in the marketing area for receiving Grade A milk, at which milk is received directly from the farms of producers holding permits or authorizations issued by such health authority and which is operated by a cooperative association having member producers whose milk is received at the approved plants of other handlers.

2. Delete § 905.8 and substitute therefor the following:

§ 905.8 Unapproved plant. proved plant" means any milk plant which is not an approved plant.

3. Delete § 905.10 and substitute therefor the following:

§ 905.10 Producer "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: Provided, That such milk is produced under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by a duly constituted health authority, or that such milk is received at a plant described in § 905.7 (b) and is acceptable to the Federal agency supplied by such plant. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to an unanproved plant by a handler and milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this subpart pursuant to § 905.61.

4. Add the following as § 905.16:

§ 905.16 Route. "Route" means any delivery (including any delivery by a

<sup>&</sup>lt;sup>1</sup>This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

vender or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk drinks or cream other than delivery in bulk form to a milk plant.

- 5. Delete § 905.51 (a) and substitute therefor the following:
- (a) Class I milk. The basic formula price plus \$1.70 during the months of April, May, and June and plus \$1.90 during all other months: Provided, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand" adjustment of not more than 50 cents, computed as follows:
- (1) Divide the total receipts of producer milk in the first and second months preceding by the total gross value of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 905.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is

cero;
(ii) Any amount by which the Class I utilization percentage is less than the

minimum standard utilization percent-

age specified below is a "minus net deviation percentage".

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage."

Month for		Percentages		
which price applies	ice 1 Months used in		Maxi- mum	
January February March April May June June July August September October November December	November-December. December-January January-February February-March March-April April-May May-June June-July July-August August-September- September-October October-November	112 115 119 123 123 133 128 124 117 169 110	116 119 123 127 130 137 137 132 123 121 113	

- (3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus net deviation percentage" the Class I price shall be decreased as follows:
- (i) One cent for each such percentage point of net deviation; plus
  - (ii) One cent for the lesser of:
- (a) Each such percentage point of net deviation; or
- (b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero

for purposes of the computations of this subparagraph) computed pursuant to § 905.51 (a) (2) for the month immediately preceding; plus

(iii) One cent for the least of:

(a) Each such percentage point of net deviation:

(b) Each percentage point of net deviation of like direction computed pursuant to § 905.51 (a) (2) for the month immediately preceding; or

immediately preceding; or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) this paragraph for the second preceding month.

[F. R. Doc. 55-7348; Filed, Sept. 12, 1955; 8:48 a. m.]

#### [7 CFR Part 906 ]

HANDLING OF MILK IN TULSA-MUSKOGEE, OKLA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MAR-KETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Tulsa, Oklahoma on March 28–30, 1955, pursuant to notice thereof which was issued on March 21 and March 23, 1955 (20 F. R. 1783, 1848)

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 19, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the Federal Register on July 22, 1955 (20 F. R. 5262)

The material issues, findings and conclusions, and general findings of the recommended decision (20 F. R. 5262; Doc. 55–5964) are hereby approved and adopted by this decision as if set forth in full herein.

Ruling on exceptions. Within the period reserved therefor, exceptions were filed by interested parties to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Producers took particular exception to the failure to reduce the maximum limit of supply-demand adjustment of the Class I price from 50 cents to 23 cents, as proposed by both producers and handlers. The substantial gains in supplies over sales that have occurred in the Tulsa-Muskegee market under present pricing conditions indicate continued

need for provision for substantial price adjustment when supply-sales relationships are materially out of line. Further, the record indicates that during a continuous 7-month period for which the present 50-cent maximum adjustment was in effect, Tulsa-Muskegee Class I prices, less transportation, were within one cent of those of a nearby market with substantial surplus production. A lesser limit would have interfered with proper alignment of prices under such conditions. The exception is therefore overruled.

Determination of representative period. The month of April 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tulsa-Muskegee, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such amending order.

Marketing agreement and order. Annexed hereto and made a part hereof are documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, that all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 7th day of September 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

Order<sup>1</sup> Amending the Order as Amended, Regulating the Handling of Mill: in the Tulsa-Musl:ogee, Oklahoma, Marketing Area

§ 906.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amend-

<sup>&</sup>lt;sup>1</sup>This order shall not become effective unless and until the requirements of § 930.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

ments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

- (a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:
- (1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;
- (2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and
- (3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a bearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

- 1. Delete § 906.7 and substitute therefor the following:
- § 906.7 Approved plant. "Approved plant" means:
- (a) A milk plant approved by any health authority having jurisdiction in the marketing area from which Class I milk is disposed of on routes in the marketing area,
- (b) A milk plant approved by the appropriate health authority of a municipality of the marketing area at which there is received, weighed and commingled the milk of producers holding permits or authorizations issued by such health authority and from which part or all of the receipts of such milk during the month is transferred to a plant described in paragraph (a) of this section, or from which more than half of the receipts of such milk was so transferred

in the immediately preceding months of September through December, and the operator thereof has not requested that such plant be considered an unapproved plant; or

- (c) A milk plant approved by a municipal health authority having jurisdiction in the marketing area for receiving Grade A milk, at which milk is received directly from the farms of producers holding permits or authorization issued by such health authority, and which is operated by a cooperative association having member producers whose milk is received at the approved plants of other handlers.
- 2. Delete § 906.8 and substitute therefor the following:
- § 906.8 Unapproved plant. "Unapproved plant" means any milk plant which is not an approved plant.
- 3. Delete § 906.10 and substitute therefor the following:
- § 906.10 Producer "Producer" means any person, other than a producer-handler, who produces milk under a dairy farm permit, permit authorization or rating for the production of milk to be disposed of as Grade A milk issued by a duly constituted health authority, which is received at an approved plant. "Producer" shall include any such person whose milk is caused by a handler to be diverted for the account of such handler from an approved plant to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal order and who is partially exempt from the provisions of this subpart pursuant to § 906.61.
  - 4. Add the following as § 906.16:
- § 906.16 Route. "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than delivery in bulk form to a milk plant.
- 5. In §§ 906.14, 906.15, 906.30 (a) 906.31 (a) 906.65, 906.66 (b) and 906.73 delete "April through June" and substitute therefor "February through July"
- 6. In § 906.65 (a) delete "January" and substitute therefor "December"
- 7. In § 906.72 delete "July through March" and substitute therefor "August through January"
- 8. Delete § 906.51 (a) and substitute therefor the following:
- (a) Class I milk. The basic formula price plus \$1.45 during the months of April, May and June and plus \$1.85 during the other months: Provided, That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment"

of not more than 50 cents, computed as follows:

- (1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers, and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage:
- (2) Compute a "net deviation percentage" as follows:
- (i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero:
- (ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage".
- (iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage"

Months for which price	Months used in computations	Standard utilization percentages		
applies	computations	Mini- mum	Maxl- mun	
January February March April May June July August September October November	November-December December-January January-Echruary February-March March-April April-May May-Juno Juno-July July-August August-September September-October October-November	114 116 117 119 120 130 137 133 123 121 110	118 120 121 123 130 140 141 137 132 125 114	

- (3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus net deviation percentage" the Class I price shall be decreased as follows:
- (i) One cent for each such percentage point of net deviation; plus
  - (ii) One cent for the lesser of:
- (a) Each such percentage point of net deviation; or
- (b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus
  - (iii) One cent for the least of:(a) Each such percentage point of net
- deviation;
  (b) Each percentage point of net deviation of like direction computed nur-
- viation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; or
- (c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

9. Delete § 906.53 and substitute therefor the following:

§ 906.53 Location adjustment credit to handlers. For that portion of milk which is (a) received directly from producers at an approved plant located outside the marketing area and 35 or more miles from the nearer of City Hall in Tulsa or the City Hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, and (b) is either (1) transferred in the form of milk, skim milk or cream to an approved plant located in the marketing area and assigned to Class I pursuant to the proviso of this section, or (2) is classified as Class I milk without such movement, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Distance from nearer of the	Cents per
city hall in Tulsa or the	hundred-
city hall in Muskogee:	weight
35 to 50 miles	
50.1 to 65 miles	
65.1 to 80 miles	19
80.1 to 95 miles	21
95.1 to 110 miles	
110.1 to 125 miles	25
125.1 to 140 miles	27

Plus 1 cent for each additional 15 miles or major fraction thereof in excess of 140 miles.

Provided, That for the purposes of calculating such adjustment transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

10. Delete § 906.81 and substitute therefor the following:

§ 906.81 Location adjustment to producers. In making payments to producers pursuant to § 906.80, each handler may deduct per hundredweight of milk received from producers at an approved plant, or diverted to an unapproved plant, either of which is located outside the marketing area and 35 or more miles from the nearer of the city hall in Tulsa or the city hall in Muskogee by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below.

Distance from nearer of the	Cents per
city hall in Tulsa or the	hundred-
city hall in Muskogee:	weight
35 to 50 miles	15
50.1 to 65 miles	17
65.1 to 80 miles	19
80.1 to 95 miles	21
95.1 to 110 miles	23
110.1 to 125 miles	25
125.1 miles to 140 miles	27

Plus one cent for each additional 15 miles or major fraction thereof in excess of 140 miles.

11. Delete § 906.22 (i) and substitute therefor the following:

(i) On or before the 12th day after the end of each month, report to each coperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association from producers who are members of such cooperative to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be co delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

[F. R. Doc. 55-7349; Filed, Sept. 12, 1955; 8:49 a. m.]

#### CIVIL AERONAUTICS BOARD

#### [ 14 CFR Part 60 ]

Air Traffic Rules

DELEGATION OF AUTHORITY TO ADMINISTRA-TOR TO ESTABLISH RULES APPLICABLE TO HIGH DENSITY AIR TRAFFIC ZONE IN WASHINGTON, D. C., AREA

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the issuance of a Special Civil Air Regulation to extend the authority contained in Special Civil Air Regulation No. SR-408 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by October 7, 1955. Copies of such communications will be available after October 11, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation No. SR-408, adopted October 20, 1954, effective November 25, 1954, delegates to the Administrator authority to designate a "High Density Air Traffic Zone" in the Washington, D. C., area and to establish additional rules for VFR operations within the zone for the purpose of conducting experiments with respect to procedures and rules necessary for the safe and efficient movement of air traffic in high density air traffic zones. The authority delegated to the Administrator by SR-408 is effective for a period of one

year and will terminate on November 24, 1955.

At the time SR-403 was adopted, it was presumed that the Administrator would be able to promulgate additional rules within a reasonably short time. However, in view of the controversial nature of the matters involved, the Administrator deemed it necessary to hold a public hearing. As a consequence, the promulgation of the Administrator's rules was delayed considerably and they did not become effective until August 1, 1955. Unless the authority contained in SR-408 is extended, the rules of the Administrator will be in effect only for a period of approximately three and onehalf months. Therefore, it is proposed that the authority contained in SR-403 be extended for a period of time which will permit the rules prescribed by the Administrator to be in effect for one year as originally contemplated.

Special Civil Air Regulation No. SR-408 authorized the Administrator to designate all airspace located within the Washington control zone as a high density air traffic zone. However, it appears desirable to make express provision for the exclusion of some airspace surrounding airports within the control zone, other than Washington National Airport, in order to facilitate operations into and from such other airports. The new regulation will be reworded, therefore, to indicate that the high density zone will include "all or any" airspace located within the Washington control zone.

In view of the foregoing, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to include the substance of Special Civil Air Regulation No. SR-403, with the following exceptions:

1. The termination date shall be changed from November 24, 1955, to July 31, 1956.

2. The description of the extent of the high density air traffic zone shall be changed to include "all or any" airspace located within the Washington control zone in lieu of the present description which includes "all" such airspace.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1918, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply sees. 601–610, 52 Stat. 1067– 1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., September 2, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBEPLAIN,
Director.

[F. R. Doc. 55-7333; Filed, Sept. 12, 1955; 8:45 a. m.]

#### **NOTICES**

#### DEPARTMENT OF THE INTERIOR

#### **Bureau of Land Management**

AT.ASKA

ORDER OF TRANSFER OF JURISDICTION OF INTEREST

SEPTEMBER 1, 1955.

Whereas, the Office of Territories, Department of the Interior, made application Anchorage O31178, for transfer of Jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the lands hereinafter described, for a High School Site, Juneau - Douglas Independent School District.

Now, therefore, by virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949, supra, and pursuant to Chapter 3.1, Sec. 1.2 (u) (5) of Redelegation Order No. 541 of April 21, 1954, it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the Office of Territories, Department of the Interior:

Beginning at Corner No. 1, a point on the meander line of U. S. Survey 375, from which Meander Corner No. 1 of U. S. Survey No. 375 bears South 52 degrees 11 minutes East 220.71 feet distant; thence South 53 degrees 46 minutes West a distance of 46.00 feet to Corner No. 2; thence South 36 degrees 14 minutes East a distance of 31.00 feet to Corner No. 3; thence South 54 degrees 12 minutes West a distance of 51.06 feet to Corner No. 4; thence South 35 degrees 00 minutes East a distance of 40.00 feet to Corner No. 5; thence South 59 degrees 30 minutes West a distance of 100.00 feet to Corner No. 6; thence North 35 degrees 00 minutes West a distance of 308.40 feet to Corner No. 7; thence North 46 degrees 00 minutes West, a distance of 433.86 feet to Corner No. 8; thence North 36 degrees 01 minutes East a distance of 175.90 feet to Corner No. 9; thence South 53 degrees 59 minutes East a distance of 122.00 feet to Corner No. 10; thence North 36 degrees 01 minutes East a distance of 28.44 feet to Corner No. 11, a point on the meander line of U. S. Survey No. 375; thence South 39 degrees 14 min-utes East along said meander line a distance of 622.19 feet to Corner No. 1, the point of beginning, containing in all 144,211 square feet, or 3.311 acres more or less.

Any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (2) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U.S. C. 305), (3) a right-of-way for roads, highways,

tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d) and (4) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

Lowell M. Puckett, Area Administrator

[F. R. Doc. 55-7338; Filed, Sept. 12, 1955; 8:46 a. m.]

#### National Park Service

[Order 1]

SUPERINTENDENTS AND REGIONAL ADMINISTRATIVE OFFICERS, REGION 5

DELEGATIONS OF AUTHORITY

AUGUST 1, 1955.

Section 1. The National Park Service Superintendents in Region Five whose positions are allocated to Civil Service grades GS-14 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority delegated to the Regional Director by the Director.

SEC. 2. The Superintendents whose positions are allocated to Civil Service grades GS-11 to GS-13, inclusive, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority delegated to the Regional Director by the Director, except with respect to the following matter:

(a) Approval of contracts for construction, supplies, or services in excess of \$25,000.

SEC. 3. The Superintendents whose positions are allocated to Civil Service grades GS-7 to GS-10, inclusive, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Execution or approval of contracts for construction, supplies, or services in excess of \$5,000.

(b) Appointments and status changes involving personnel in the same Civil Service grade as, or grades higher than, the Superintendent making appointment or status change.

(c) Issuance of revocable special use permits having a term of more than three years.

(d) Acceptance of donations of personal property valued in excess of \$5,000, and acceptance of donations of money in excess of \$5,000.

(e) Reimbursement of employees and other owners for property lost, damaged, or destroyed.

(f) Hire, rental, or purchase of personal property from employees.

(g) Sales of timber pursuant to section 3 of the act of August 25, 1916 (30 Stat. 535; 16 U. S. C., 1952 ed., sec. 3), in excess of \$1,000 for any one transaction.

(h) Issuance of concession permits and contracts having a term of more than three years.

Sec. 4. Regional Administrative Officers. The Regional Administrative Officers may execute and approve contracts not in excess of \$25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Regional Administrative Officers in behalf of any office or area for which they serve as the principal fiscal officer.

SEC. 5. Redelegation. The Superintendents may, in writing, redelegate to any officer or employee the authority delegated in sections 1 and 2. Each redelegation shall be published in the FEDERAL REGISTER.

Sec. 6. Appeal. Any party aggrieved by any action or decision of a Superintendent shall have a right of appeal to the Regional Director who has supervision of the area. Any such appeal shall be in writing and shall be submitted to the Regional Director within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Superintendent.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2)

[SEAL]

DANIEL J. TOBIN, Regional Director Region Five.

[F. R. Doc. 55-7339; Filed, Sept. 12, 1955; 8:46 a. m.]

#### DEPARTMENT OF AGRICULTURE

#### **Commodity Stabilization Service**

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHOR-ITY BY CALIFORNIA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COM-

The Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F R. 6134) (20 F R. 3819), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S. C. 1301-1393), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with Section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)) which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelgations of final authority which have been made by the California State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. There are set out below the sections of the regulations in which such authority appears and the persons of the Agricultural Stabilization and Conservation Committee to whom the authority has been redelegated.

#### CALTEORNIA

1023 (Peanuts-1955)-1

Section 729.619 (b); 729.622 (a); and 729.628—J. T. Moody and M. C. Winter, Program Specialists, of the Office of the State ASC Committee.

1026 (Peanuts-1955)-1 1026 (Peanus-1959)-1
Section 729.641 (x) (5); 729.648 (d) (3);
729.653 (b) and (c), 729.657 (b) and (c);
729.659 (a); 729.661 (b) (2); and 729.662 (d)—J. T. Moody and M. C. Winter, Program Specialists, of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 353, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 8th day of September 1955.

WALTER C. BERGER, [SEAL] Acting Administrator Commodity Stabilization Service.

[F. R. Doc. 55-7378; Filed, Sept. 12, 1955; 8:54 a. m.]

#### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8716; FCC 55-906] GREENWICH BROADCASTING CORP.

ORDER CORRECTING PREVIOUS ORDERS

In re application of Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP-6315; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of

August 1955:

The Commission having under consideration its Orders in the aboveentitled matter released November 29, 1954, and April 4, 1955, wherein it was stated that "in view of WNLC's failure to appear and participate" the burden of proceeding with the introduction of evidence under Issue 5 was placed "upon Greenwich Broadcasting Corporation only insofar as such evidence may be appropriate to the latter's affirmative case" and also having under consideration the petition of Thames Broadcasting Corporation (WNLC) for clarification and for other relief;

It appearing, that the aforesaid Orders erroneously stated that WNLC had failed to appear and participate, and that the said Orders should be corrected:

It is ordered. That the subject petition of Thames Broadcasting Corporation is granted, that the aforesaid Orders are corrected to delete the statements that WNLC had failed to appear and participate and that the final ordering para-

graph of the Order of April 4, 1955, is modified to read as follows:

It is further ordered, That the burden of proceeding with the introduction of evidence under Issue 4 is placed upon Greenwich Broadcasting Corporation, and that the burden of proceeding with the introduction, of evidence under Issue 5 is placed upon the licensess of WHOM. WDLC and WNLC. It is further ordered, That, after the conclusion of the hearing, the Examiner shall issue an Initial Decision.

Released: September 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary. [F. R. Doc. 55-7364; Filed, Sept. 12, 1935; 8:52 a. m.]

[Docket Nos. 11308, 11438; FCC 55M-764] UNIATILLA BROADCASTING ENTERPRISES ET AL.

#### ORDER CONTINUING HEARING

In re applications of John M. Carroll tr/as Umatilla Broadcasting Enterprises, Pendleton, Oregon, Docket No. 11303, File No. BP-9510; Robert R. Mcore tr/as Othello Broadcasting Company, Othello, Washington, Docket No. 11438, File No. BP-9723; for construction permits.

The Hearing Examiner having under consideration a petition filed on September 6, 1955, by the Broadcast Bureau, requesting that the hearing in the aboveentitled proceeding presently scheduled for September 12, 1955, be continued for a period of approximately 60 days;

It appearing, that public interest requires an early consideration of such petition and good cause has been shown

for the grant thereof;

It is ordered, This 6th day of September 1955, that the petition be and it is hereby granted; and that the hearing in the above-entitled proceeding be and it is hereby continued to November 14, 1955, at 10 o'clock a.m., in Washington. D. C.

FEDERAL COMMUNICATIONS COMMISSION, [SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-7365; Flied, Sept. 12, 1955; 8:52 a. m.1

[Docket No. 11415; FCC 55M-763]

KOSSUTH COUNTY BROADCASTING Co., INC.

#### ORDER CONTINUING HEARING

In re application of Kossuth County Broadcasting Company, Inc., Algona, Iowa, Docket No. 11415, File No. BP-9645: for construction permit.

It appearing, from facts developed at prehearing conference held on September 6, 1955, that an extension of hearing date to permit technical consultants to confer on various engineering matters would facilitate hearing on the record;

It is ordered, This 6th day of September 1955, on the Examiner's own motion, that hearing in the above-entitled proceeding is continued from September 7, 1955, to September 19, 1955.

> FEDERAL COLUMNICATIONS Columnsion,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-7366; Filed, Sept. 12, 1955; 8:52 a. m.]

[Docket No. 11434; FCC 55M-763]

PACIFIC TELEPHONE AND TELEGRAPH CO.

#### ORDER CONTINUING HEARING

In the matter of the application of The Pacific Telephone and Telegraph Company, Docket No. 11434, File No. P-C-3602; for a certificate under Section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of California Water & Telephone Company, Mount Wilson, California.

It is ordered, This 6th day of September 1955, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding, which is hereby continued from September 23, 1955, to October 12, 1955, and will be held in Washington, D. C.

Released: September 8, 1955.

FEDERAL COMMUNICATIONS COLUMNSTON,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-7357; Filed, Sept. 12, 1955; 8:52 a. m.]

[Dacket No. 11446, etc.; FCC 55M-756]

CERRITOS BEOADCASTING CO. ET AL

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Raymond B. Torian, John W. Doran, Foster Earl Rut-ledge and Harold B. Shideler, a partnership d/b as The Cerritos Broadcasting Co., Signal Hill, California, Docket No. 11446, File No. BP-8734; Melvin F. Berstler and Roy R Cone, a partnership d/b as Oceanside-Carlsbad Broadcasting Co., Oceanside, California, Docket No. 11447, File No. BP-9207; Albert John Williams, Inglewood, California, Docket No. 11448, File No. BP-9503; Neil W. Owen and Julia C. Owen, a partnerchip d/b as Palomar Broadcasting Co., Escondido, California, Dacket No. 11449, File No. BP-9676; for construction permits.

The hearing Examiner having under consideration: (1) A Petition for Leave to Amend Application with the accompanying amendment filed August 4, 1955 by the applicant Albert John Williams, (2) a Petition for Leave to Amend Application with the accompanying amendment filed August 18, 1955 by the applicant Palomar Broadcasting Co., (3) the procedural facts shown by the docket files in this proceeding, and (4) the statements this day made in informal 6720 NOTICES

argument by counsel for some of the participants herein; 1 and

It appearing that petitioner Albert John Williams desires to supplement his Petition for Leave to Amend before ruling is made thereon, and that no objection was interposed to a postponement of action thereon, and that such postponement will conduce to the orderly dispatch of the Commission's business; and

It further appearing that the petition and amendment on behalf of Palomar Broadcasting Co. seek to include in section V of the application a specific request for a waiver "in accordance with" and "pursuant to the provisions of section 3.28 (c)" of the Commission's Rules, but the petition and the proposed amendment assert that the application as previously amended includes state-ments of fact which bring the proposed allocation within the exceptions allowed by the rule: and

It further appearing that Issue No. 4 in this proceeding specifically requires a determination as to whether the Palomar proposal complies with section 3.28 (c) and accordingly that the requested amendment would place petitioner in the position of requesting a waiver under a rule whose terms and provisions it claims to meet, which claim of compliance is specifically in issue, and for these reasons that the Petition for Leave to Amend ought to be denied; 3 and

3 No authority or reason is cited to sanction a plea for waiver where, as here, the claim is made that the proposal complies

It further appearing: That counsel for the intervenor Florence P. Raley (Station KPAL) stated, without argument at this time, possible disagreement with the implications and consequences of the ruling heremabove indicated on the Palomar amendment; that counsel for the applicant Oceanside-Carlsbad Broadcasting Co. stated his intention to petition for amendment of that application; that counsel for the applicant Albert John Williams requested a prehearing conference to be preceded by informal engineering conferences among the parties; that no counsel present interposed objections to ordering such conferences; and that this proceeding is pending before the Commission upon a petition to enlarge the issues and six responsive and counter pleadings relating to that petition; and

It further appearing from the facts and circumstances above stated that it would conduce to the orderly dispatch of the Commission's business and particularly to the development and clarification of the pleading questions and engineering issues in this case to suggest an informal engineering conference among the parties and to order a formal prehearing conference, and that the formal prehearing conference should be commenced at 10:00 a. m. on Tuesday, October 4, 1955, at the offices of the Commission in Washington, D. C., now therefore

It is ordered This 30th day of August 1955, that the Petition for Leave to Amend filed by the applicant Albert John Williams be and the same is hereby continued: and

It is further ordered That the Petition for Leave to Amend filed by Palomar Broadcasting Co. be and it is hereby denied; and

It is further ordered, Pursuant to sections 1.813 and 1.841 of the Commission's Rules, that a formal prehearing conference shall be commenced at the offices of the Commission at 10:00 a. m. on Tuesday, October 4, 1955.

> FEDERAL COMMUNICATIONS COMMISSION. MARY JANE MORRIS,

Secretary. [F. R. Doc. 55-7368; Filed, Sept. 12, 1955; 8:52 a. m.]

[SEAL]

with the rule; a request for waiver of a rule may be in order only if the rule's re-quirements are not met. Section 1.365 (a) requires a showing of good cause to support an amendment, and such is not here shown.

<sup>4</sup>At the prehearing conference the matters for consideration will include, in addition to those specified herein and in the Commission's Rules:
(1) The Williams petition to amend as

- supplemented;
- (2) Such exceptions and objections as the parties may wish to urge in relation to the ruling on the Palomar amendment and petition:
- (3) The expected petition to amend the Oceanside-Carlsbad application; and
- (4) The procedural steps to be taken in view of the matters pending before the Commission and in relation to the requirements of section 1.841.

[FCC 55-921]

BROADCAST STATIONS RENEWAL APPLICATIONS

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

SEPTEMBER 8, 1955.

The Federal Communications Commission announces that the following dates will constitute the composite week for the preparation of program log analyses in connection with renewal applications of all AM, FM, and TV broadcast stations whose licenses expire in 1956. Attention is directed to the fact that the date for Sunday is in the year 1954, whereas, all other dates are in the year 1955.

Monday, January 17, 1955. Tuesday, March 1, 1955. Tuesday, March 1, 1995. Wednesday, April 20, 1955. Thursday, June 9, 1955. Friday, July 29, 1955. Saturday, September 17, 1955. Sunday, December 5, 1954.

The attention of licensees is directed to Section IV page 3, Item 10, of the renewal application which permits the submission of any additional program data that the applicant desires to call to the Commission's attention, if, in the applicant's opinion, the statistics based on the composite week do not adequately reflect the program service rendered.

Adopted: September 7, 1955.

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS,

[SEAL] Secretary.

[F. R. Doc. 55-7369; Filed, Sept. 12, 1955; 8:52 a. m.1

#### FEDERAL POWER COMMISSION

[Docket No. G-8840]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 6, 1955.

Take notice that The Ohio Fuel Gas Company (Applicant) an Ohio corporation with its principal office at Columbus, Ohio, filed an application on May 2, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction, operation, loopmg, and partial replacement of certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a total of 8.4 miles of 16-inch O. D. pipeline, consisting of the following:

(1) Approximately 6.2 miles of 16inch O. D. transmission line replacing 5.6 miles of 10% and 12%-inch O. D. line between Henrietta Hills and Amherst in Lorain County. The extra mileage is required to reroute the line around the built-up area of South Amherst lo-

<sup>&</sup>lt;sup>1</sup>The matters presented in Items 1 and 2 above were scheduled on the Motions Calendar for argument on this late; the Motions Calendar procedure did not provide reasonable notice to all participants of the scheduled argument, since all applicants and respondents and some of their respective attorneys are located in California. Three of the four applicants and two of the four respondents and Broadcast Bureau did appear by counsel, and no default or prejudice is assessed to any party on account of the nonappearance on its behalf at the motions

<sup>&</sup>lt;sup>2</sup>Section 3.28 (c) of the Commission's Rules provides in pertinent part as follows:

"(c) Upon showing that a need exists,
a \* \* \* station may be assigned to a channel available \* \* \* even though interference will be received within its normally protected contour; Provided: (1) No objectionable interference will be caused by the proposed station to existing stations or that if interference will be caused, the need for the proposed service outweighs the need for the service which will be lost by reason of such interference; and (2) primary service will be provided to the community in which the proposed station is to be located; and (3) the interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area. However, in the event that the nighttime interference received by the proposed station would exceed this amount, then an assignment may be made if the proposed station would provide either a standard broadcast nighttime facility to a community not having such a facility or if 25 percent or more of the nighttime primary service area of the proposed station is without primary nighttime service."

cated about midway between Henrietta Hills and Amherst.

(2) Approximately 6.2 miles of 16inch O. D. transmission line looping part of Applicant's line supplying Berea and Parma.

Upon completion of the proposed construction, Item (1) above, the existing 5.6 miles of pipeline will be accounted for as follows:

(a) 1.1 miles will be salvaged. Cost of retirement \$2,600; salvage value \$3,700.

(b) 3 miles will be utilized for distribution service in the area between South Amherst and Amherst.

(c) 1.5 miles will be utilized as a transmission line for rendering service to South Amherst.

Applicant states that no abandonment of service will result from the proposed rearrangements.

The proposed facilities will increase the capacity of Applicant's system north of Wellington. Its peak day market requirements, including industrial in this area, which includes Oberlin, Wellington, Sandusky, Amherst, Lorain, Bay Village, Berea, and Parma, are estimated to increase from 195,200 Mcf per day in 1955 to 225,700 Mcf in 1958.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1955, at 9:35 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 21, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-7340; Filed, Sept. 12, 1955; 8:46 a. m.]

[Docket No. G-9047]

HARDBARGER OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF
HEARING

SEPTEMBER 6, 1955.

Take notice that the Hardbarger Oil & Gas Co., Applicant, a West Virginia No. 178----5

partnership, whose address is Harrisville, West Virginia, by and through W. H. Mossor of Harrisville, West Virginia, a partner, filed on June 17, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant intends to produce natural gas from a new well located on 67 acres in Ritchie County, West Virginia, and in connection therewith intends to construct 700 feet of 2 inch pipeline. Applicant proposes to sell said natural gas to the Carnegie Natural Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, October 11, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and

procedure.
Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before Sep-

tember 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omicsion herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON F. FUQUAY, Secretary.

[F. R. Doc. 55-7321; Filed, Sept. 12, 1955; 8:47 a. m.]

[Docket No. G-8053]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

September 6, 1955.

Take notice that The Ohio Fuel Gas Company (Applicant) an Ohio corporation with its principal office in Columbus, Ohio, filed an application on June 20, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate an aggregate of 8 miles of 5½-inch to 8%-inch pipelines, replacing in the same location a like amount of 3-inch to 6inch lines now in use, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application now on file with the Commission and open to public inspection.

Applicant proposes to replace three different laterals supplying respectively the Communities of Versailles, Plymouth, and Cambridge, in Shelby, Richland, and Guernsey Counties, Ohio. The existing lines were laid in 1926, 1903, and 1912.

Applicant states that the existing laterals will not carry the quantity of gas needed on peak days next winter.

The following tabulation summarizes partinent details concerning the proposed laterals and the markets involved.

	Capacity of exist- ing latural	Prik day 1835-88	Requests 1937-33	Conceity of Leteral realized ment
Versailles, 5.4 miles 6" replacing 4"	Not stated, pips definitionaled.	1,23 1,60 10,49	1.42 1.14 11.80	1.72 1.21 21.50

Estimated cost of construction of the proposed facilities is \$128,000. Bools value of facilities to be retired is \$25,560 with cost of retiring of \$2,050 and \$2,500 salvage.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application;

Provided, however That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Dec. 55-7342; Filed, Sept. 12, 1955; 8:47 a. m.]

[Docket No. G-9112]

CABOT CARBON CO.

NOTICE OF APPLICATION AND DATE OF HEARING

September 6, 1955.

Take notice that the Cabot Carbon Company, Applicant, a Massachusetts corporation, whose address is 77 Franklin Street, Boston 10, Massachusetts, filed on July 7, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant intends to produce natural gas from the West Big Lake Field, Regan " County, Texas, which it proposes to sell to the El Paso Natural Gas Company, pursuant to a contract dated May 7, 1955, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, October 11, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY. Secretary.

[F. R. Doc. 55-7343; Filed, Sept. 12, 1955; 8:47 a. m.]

[Docket No. G-9201]

SOUTHERN NATURAL GAS Co.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 6, 1955.

Take notice that Southern Natural Gas Company (Applicant) a Delaware corporation having its principal place of business in Birmingham, Alabama, filed an application on August 8, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate facilities to sell and deliver natural gas on an interruptible basis to Southern Nitrogen Company for use in a synthetic nitrogen plant to be constructed near Savannah, Georgia.

Applicant proposes to construct the following facilities:

(1) A line tap on Applicant's existing 14-inch Savannah line and approximately 100 feet of 4½-inch O. D. pipeline extending from the tap to a meter station to be located at or near the purchaser's plant.

(2) A measuring and regulating station at the terminus of the 41/2-inch line described in (1) above.

(3) Compression facilities of 1,000 H. P at Applicant's Ocmulgee compressor station by supercharging four 1,000 H. P engines so as to add 250 H. P to each unit.

(4) A new compressor station at Wrens, Georgia, with a single portable compressor of 660 H. P

Applicant alleges that such facilities will not increase its system peak delivery capacity. The service to the nitrogen plant will be on an interruptible basis.

Estimated maximum daily deliveries to the nitrogen plant will be 11,000 Mcf, amounting to approximately 3,000,000 Mcf annually.

The total estimated cost of the proposed facilities is \$266,800, to be defrayed from cash on hand or derived from current operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 26, 1955.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7344; Filed, Sept. 12, 1955; 8:47 a. m.]

#### Project No. 21341

RICHVALE IRRIGATION DISTRICT

NOTICE OF LAND WITHDRAWAL, CALIFORNIA

SEPTEMBER 1, 1955.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2134 for which completed application for preliminary permit was filed May 25, 1953. Under said section 24 all lands of the United States lying within the boundaries of the project as outlined upon the map filed in support thereof are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by

MOUNT DIABLO MERIDIAN T. 21 N., R. 6 E., Sec. 2, Lots 1, 2, S1/2 NE1/4, W1/2 SE1/4 Sec. 10, NE'4SE'4SD'4, S'2SE'4SE'4, Sec. 14, W½W½, Sec. 26, NW¼NW¼, Sec. 34, E½NE¼. T. 22 N., R. 6 E., Sec. 36, SE1/4SW1/4, S1/2SE1/4. T. 22 N., R. 7 E., Sec. 11, NE¼, E½SW¼, W½SE¼, NE¼ Sec. 11, NE¼, E½SW¼, W½SE¼, NE¼
SE¼,
Scc. 12, Lots 3, 4, 5, 6, SW¼NE¼, NW¼,
N½SW¼, NW¼SE¼, NW¼NW¼, E½SW¼
NW¼, NE¼NW¼, NW¼NW¼, S½NW¼SW¼,
SW¼SW¼,
Sec. 15, W½SE¼ND¼, W½NE¼SE¼, SE¼
NE¼SE¼, S½SE¼,
Sec. 22 Lots 1, 2, 3, S½NE¼, SE¼NW¼,
SW¼, NW¼SE¼,
Sec. 27, W½NW¼,
Sec. 27, W½NW¼,
Sec. 28, E½NE¼, NE¼SW¼, S½SW¼,
Sec. 28, E½NE¼, NE¼SW¼, S½SW¼,
SEŁ,

Scc. 29, SE¼SE¼, Scc. 31, Lots 3, 4, 5, S½NE¼, NE¼SW¼, N½SE¼, Sec. 32, N½NE¼, NE¼NW¼, S½NW¼,

SW14NE4, Sec. 33, N1/2NW14.

T. 22 N., R. 8 E.,

Sec. 1, Lot 4; Sec. 2, Lots 1, 2, 3, 4, SW1/4NE1/4, S1/4NW1/4, NW14SW14

Sec. 3, SE'4NE'4, S1/2,

Sec. 4, S½SE¼, Sec. 7, unsurveyed S½, Sec. 8, N½SE¼, and unsurveyed S¼N¼,

sw¼, Sc. 9, NE4NE4, W2NE4, NW4, Sc. 10, N4NW4. T. 23 N., R. 8 E.,

Sec. 35, Lots 1, 2, 3, NE1/4SE1/4, Sec. 36, N1/2 SE1/4.

T. 23 N., R. 9 E., Sec. 13, NE1/4SE1/4, S1/2S1/2,

Sec. 13, NE%SE%, S%S%, Sec. 14, SE%SE%, Sec. 22, S%SW%, SE%, Sec. 23, NE%, S%NW%, N%SW%, Sec. 24, NW%NE%, N%NW%, Sec. 27, NW%NE%, N%NW%, SW%NW%, Sec. 28, NE%NE%, S%N%, N%SW%, SW%

SW4, NW4SE4.
Sec. 29, unsurveyed SE4SW4, SE4;
Sec. 31, Lot 2, NE4SW4, and unsurveyed NE4, S½NW4, NW4SE4,

Sec. 32, unsurveyed N'/2N'/2, S'/2NW'/4.

T. 23 N., R. 10 E., Sec. 10, NE¼SW¼, N½NE¼SE¼, Sec. 11, NE¼, E½NW¼, N½N½SW¼, SE¼NE¼SW¼, N½SE¼, Sec. 12, SW¼NW¼, N½SW¼, SE¼SW¼,

SE'4, Sec. 15, N½NE¼, SW¼NE¼, SW¼SW¼, Sec. 16, S½NE¼, SE¼NW¼, SW¼, N½ SE'4, SE'4SE'4,

Sec. 17, S½SE¼, SE¼, Sec. 18, Lots 2, 3, 4, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼, Sec. 19, N½NE¼,

Sec. 19, N½NE¾, N½NW¼, SW¼NW¼, Sec. 20 NW½NE¾, N½NW¼, SW¼NW¼, Sec. 21, NE¾NE¾, Sec. 22, NW¼NW¼, S½NW¼, and unsurveyed N½SW¼, W½SE¼.

T. 23 N., R. 11 E.,
Sec. 7, Lot 6, S½ Lot 7, S½ Lot 8, S½SE¼;

Sec. 8, S½S½,
Sec. 17 NE¼NE¼,
Sec. 18, N½ Lot 1, N½ Lot 2, N½NE¼,
T. 22 N., R. 12 E.,

Sec. 25, NE1/4NE1/4.

T. 22 N., R. 13 E., Sec. 19, S½NE¼, E½SW¼, W½SE¼, Sec. 30, NW¼NE¼.

The area reserved by the filing of this application is approximately 11,017.58 acres, wholly within the Plumas National Forest. Of this area some 10,937.58 acres have been heretofore reserved in connection with Power Site Classification No. 163 or earlier projects No. 249, 864, and 2124.

A photostatic copy of the project map (FPC No. 2134-1) is transmitted herewith.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7345; Filed, Sept. 12, 1955; 8:47 a. m.]

# INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 8, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT-HAUL

FSA No. 31067 · L. C. L. rates between points in Missouri. Filed by F. C. Kratzmeir, Agent, for Missouri-Kansas-Texas Railroad Company. Rates on various commodities, L. C. L. between Kansas City, Mo.-Kansas., on one hand, and

Chitwood, Fall City, Horn and Joplin, Mo., on the other.

Grounds for relief: To meet intrastate rates.

Tariff: Supplement 60 to Agent Kratzmeir's I. C. C. 3627.

FSA No. 31068: Cement from Grove, Md., and Stephens City, Va., to the South. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on masonry cement, mortar cement, and dry building mortar, in mixed carloads from Grove, Md., and Stephens City, Va., to points in southern territory.

Grounds for relief: Competition with rail carriers, market competition, and circuity.

Tariff: Supplement 5 to Agent Boin's I. C. C. A-1037.

FSA No. 31069: Open hearth basic slag from Ensley, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on open hearth basic slag, ground, carloads from Ensley, Ala., to Light, Malvern, Slocomb, and Taylor, Ala.

Grounds for relief: Circuity and competition with rail carriers.

Tariff: Supplement 104 to Agent Spaninger's I. C. C. 1221.

FSA No. 31070: Cast Iron Pressure Pipe from the South to the Southwest and W T L. Border Points. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads from points in southern territory to points in southwestern territory and W. T. L. border points in Kansas and Missouri.

Grounds for relief. Market competition, truck competition and circuity.

Tariff: Supplement 60 to Agent Spaninger's I. C. C. 1374.

FSA No. 31071. Fertilizer-Charleston, S. C., to Greenville and Spartanburg, S. C. Filed by Seaboard Air Line Railroad Company, Agent, for interested rail carriers. Rates on superphosphatz, (acid phosphate) and fertilizer compounds (manufactured fertilizer) NO-IBN, dry, in bulk, in carloads from Charleston, S. C., to Greenville and Spartanburg, S. C.

Grounds for relief: Truck competition, rail competition and circuity.

Tariff: Supplement 104 to Agent Spaninger's I. C. C. 1221.

By the Commission:

[SEAL] HAROLD D. McCoy, Secretary.

[F. R. Doc. 55-7353; Filed, Sept. 12, 1955; 8:59 a. m.]